

GISWatch
10th anniversary

GLOBAL INFORMATION SOCIETY WATCH

*National and Regional Internet
Governance Forum Initiatives (NRIs)*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)

Global Information Society Watch

2017



Global Information Society Watch 2017
National and Regional Internet Governance Forum Initiatives (NRIs)

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Financial support provided by



APC would like to thank the Swedish International Development Cooperation Agency (Sida) for its support for Global Information Society Watch 2017.



Published by APC

2017

Printed in USA

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Global Information Society Watch 2017 web and e-book

ISBN: 978-92-95102-84-2

APC-201711-CIPP-R-EN-PDF-274

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A special edition of GISWatch, "Internet governance from the edges: NRIs in their own words", is being published as a companion edition to the 2017 GISWatch annual report. It looks at the history, challenges and achievements of NRIs, as recounted by their organisers. It is available at <https://www.giswatch.org>

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Preface

Chat Garcia Ramilo
EXECUTIVE DIRECTOR, APC

National and Regional Internet Governance Forums (NRIs) are the stars of the 2017 Global Information Society Watch. The story of NRIs began two years after the first global IGF held in 2006. In 2008, stakeholders from Kenya, Uganda, Tanzania and Rwanda organised national forums and a subsequent East African IGF, to prepare for and discuss common concerns in anticipation of the global forum held later that year in Hyderabad. Soon after, many other national and regional initiatives emerged, impacting the global forum from the bottom up, enhancing inclusiveness and the broad engagement of multiple stakeholders.

Today there is widespread agreement that national and regional forums constitute an important part of the IGF process, that their rise has added significance to the global forum and, at the same time, strengthened national and regional initiatives in their quest for inclusive, participatory decision making on their home turf.

This GISWatch edition is the first comprehensive look at national and regional IGF initiatives from a critical, civil society perspective. In all, 54 reports are presented, including seven reports addressing cross-cutting themes, 40 covering national IGFs, and seven examining regional initiatives. Countries as diverse as Brazil and New Zealand, Serbia and Seychelles, China and Cameroon are considered. Country

reports not only deal with countries where there is an IGF; Seychelles and Serbia, for example, have not held a national IGF, while China has proposed a competing model for internet governance.

The stories in this edition chronicle each IGF's beginning and growth, achievements and failures, and offer a way forward. While each story is unique and contextual, patterns on the themes of openness, transparency, multistakeholder participation and bottom-up processes are evident. There are many success stories narrated, but more importantly, the reports reflect on common challenges facing our global IGF community. Despite the differences in the way regional IGFs have developed over the years, the reports point to similar risks. These include relative control held by one or two stakeholders over others, which stifles participation; "elitisation" among the groups who participate in IGFs, leading to the creation of closed communities; institutionalisation that kills innovation and new ideas; and the challenges of financing and sustainability. National IGFs share most of these risks and face the additional challenge of making their outcomes relevant to national policies and processes.

The authors of this year's edition are a group of highly qualified academics, journalists and activists who bring their insights as key organisers or participants

in NRIs for many years. We are fortunate to have Markus Kummer introduce this edition, drawing on his experience as executive director of the Working Group on Internet Governance from 2004 and subsequently leading the global IGF Secretariat from 2006 to 2010.

Together, the reports published here offer an opportunity to pause and consider what changes are necessary in our approach to rights-based

internet governance, to reflect on our notions of multistakeholder participation, and to more fully explore what national and regional internet governance means.

Whether you are a veteran or a new participant or simply interested in NRIs, we hope that this edition provokes debate, sparks new ideas and affirms our collective commitment to the internet governance project.

Introduction

The IGF and NRIs: A high-impact outcome of an unintended consequence

Markus Kummer

Internet Governance Forum Support Association (IGFSA)
www.igf.org

Introduction

The Internet Governance Forum (IGF) is generally seen as one of the most significant outcomes of the World Summit on the Information Society (WSIS). While its value as a platform for dialogue is on the whole widely appreciated, there has been some persistent criticism for the lack of concrete output. However, this criticism tends to overlook the spread of IGF offshoots in all continents, in the form of national and regional IGF-type meetings. These meetings were first known as IGF initiatives and are now referred to as National and Regional Internet Governance Forums, or by their acronym NRIs. This piece is written from the double perspective of someone who witnessed the emergence of the NRIs as head of the IGF Secretariat between 2006 and 2010 and, from 2011 to 2014, saw the growth and maturing of their network as a member of the Internet Society (ISOC) team; and, from 2014 onwards, through the lens of the IGF Support Association (IGFSA). In various capacities I was able to attend NRIs in all regions and thus gain a first-hand impression of their diversity.

The NRIs were not part of the WSIS outcomes, they were more of an unintended consequence of the IGF. As such, they are a success story – they have spread the multistakeholder approach to Internet¹ governance across all continents, and also into countries where governments were not in the habit of consulting non-governmental actors. The NRI success story is also an IGF success story – it is a concrete outcome of the IGF, however spontaneous and unintended it may have been.

It is also an outcome with a direct and concrete impact. Much of the Internet governance debate at the global level relates to broad principles or abstract concepts. In contrast, at the national level the discussions can influence policy.

“Good Internet governance begins at home”² is a motto I like to quote in this context. There are examples that provide proof of concept to that motto. The first and foremost is maybe Kenya, where the government developed an Internet-friendly policy through a multistakeholder consultative process.³ The policy was in place when the undersea cable landed in Mombasa and allowed the country to bring down prices, make broadband Internet access affordable and make rapid progress in Internet-related services. Among other things, Kenya became a pioneer in providing mobile e-banking, allowing people who, until then, had never even had a bank account, to access financial services.

The beginning of the NRIs

The first regional IGF to emerge was the Caribbean IGF in 2005, driven by the Caribbean Telecommunications Union (CTU),⁴ but without any linkages to the IGF Secretariat or the global IGF at that time. In Europe, the United Kingdom (UK) was the first country to promote a national IGF. In July 2006, I attended an event in the House of Commons which was the precursor of the UK IGF. The event was organised by Nominet,⁵ the operator of the national country code top-level domain (ccTLD). Nominet was also the driving force behind the first UK IGF which was held in 2007 and was brought to the attention of the second global IGF meeting held in Rio de Janeiro that year.

¹ Although APC spells internet with a lower-case “i”, the author holds the view that the internet as a network of networks should be spelt with an upper-case “I”, a spelling favoured by all relevant internet organisations and also used in the WSIS outcome documents.

² Axel Pawlik, CEO of RIPE NCC, the European regional internet registry, speaking on a panel at the Russia IGF, 2011.

³ Souter, D., & Kerretts-Makau, M. (2012). *Internet Governance in Kenya: An Assessment for the Internet Society*. https://www.researchictafrica.net/multistake/Souter_Kerretts-Makau_2012_-_Internet_governance_in_Kenya_-_an_assessment_for_the_Internet_Society

⁴ www.ctu.int/projects/caribbean-internet-governance-forum-cigf

⁵ www.nominet.uk

A year later, more regional IGFs were created, among them the East African IGF and the European Dialogue on Internet Governance (EuroDIG). These meetings, held in Nairobi and Strasbourg respectively, were very different and showed that every country, every region has different problems to tackle and has different sensitivities and priorities.

While in Africa access to the Internet was the number one priority (and the excitement about the imminent landing of the undersea cable and the accompanying broadband services was palpable – “Making Kenya a top ten global ICT hub” was the meeting’s motto), the Europeans were more concerned about issues related to privacy, freedom of expression and other human rights. In the context of the global IGF, the NRIs manifested themselves in the way they had set themselves up, in a spontaneous, bottom-up fashion. They were not created by the IGF Advisory Group, which from 2008 onwards became referred to as the Multistakeholder Advisory Group, better known by its acronym, MAG, but they were self-organised and emerged the same way at the global IGF.

At the 2008 annual global IGF meeting in Hyderabad, India, there was a workshop devoted to NRIs, with participants from Senegal, Kuwait, Italy, the UK, Germany, France, the Council of Europe, Brazil and Kenya. The NRIs also claimed a space on the centre stage, taking advantage of the final main session – an open mike session devoted to taking stock – to highlight their existence and also make a concrete proposal to form a Dynamic Coalition on national and regional IGFs in order to exchange experiences both on processes and content and share best practices.⁶

The following year, in Sharm El Sheikh, Egypt, the NRIs were given a 90-minute main session slot in the morning of the first day, that is, before the official opening ceremony. The session, entitled “Regional Perspectives”, had speakers representing the East and West African IGFs, the Latin American IGF as well as EuroDIG, and was intended to highlight commonalities between them and to look at the differences of their respective approaches.⁷ It established the principle of “no one size fits all” both in terms of format and substance. There was also broad agreement that all NRIs should follow the basic multistakeholder approach of the global IGF and be open, inclusive and bottom-up.

By 2010, NRIs had spread to all regions, including the Asia Pacific region, which held its first APRIGF meeting in Hong Kong in June.

At the annual global IGF meeting held in Vilnius, Lithuania that year, the NRIs held a roundtable discussion to compare notes and share experiences, mainly dealing with organisational matters. It also became clear by then that there were two basic approaches: some saw their IGF as an event with a focus on issues that mattered to their country or region, while others conceptualised the NRIs as preparatory events for the global IGF, much in the United Nations (UN) tradition of holding regional conferences to prepare for a global summit, as was the case for WSIS. In the discussions among the NRIs, the focus on national or regional issues proved to be more popular and sustainable. However, the more classical UN-type approach also gained some traction and there were increasing voices calling for more and better interlinkages between the NRIs themselves on the one hand and the global IGF on the other.

The Internet Governance Forum Support Association and the NRIs

The growth of the NRI network was also one of the factors that motivated the creation of the Internet Governance Forum Support Association (IGFSA) in 2014. It was set up as a non-profit association incorporated in Switzerland with the purpose “to promote and support the global IGF as well as the national and regional IGF initiatives” and “provide funds to maintain and strengthen the IGF Secretariat and national and regional IGF initiatives and seek and promote exchange and collaboration with national and regional IGF initiatives.”⁸ Since 2014 the IGFSA has provided direct support to the UN IGF Trust Fund⁹ but also, increasingly, to the NRI network.

The IGFSA support, mainly to NRIs from developing countries and economies in transition, consists of USD 3,500 to regional IGFs and USD 2,000 to national IGFs. Up until November 2017, the IGFSA had sponsored 65 national and 25 regional IGFs.

The IGFSA contribution may appear modest, but has proved very helpful to many as seed funding. In addition, it has proved helpful to developing common minimal standards, basically reflecting the IGF approach of being open, inclusive, transparent, bottom-up and non-commercial. The IGFSA made it a funding condition for NRIs to respect the IGF

6 https://www.intgovforum.org/cms/hyderabad_prog/TSAWF.html

7 <https://www.un.org/webcast/igf/ondemand.asp?medialD=pl09115am2>

8 IGFSA Articles of Association: www.igf.org/articles-of-association

9 The IGF is a so-called “extra-budgetary activity” of the UN, i.e. an activity that is not funded through the UN regular budget, but through voluntary contributions that are channelled into a Trust Fund. See also: <https://www.intgovforum.org/multilingual/content/funding>

Secretariat rules for being listed on the IGF website. In addition to the basic IGF principles, the requirements also include the obligation to have a website and to publish a report of the meeting. Coupling the IGF Secretariat's requirements with the prospect of getting funding from the IGFSAs proved a useful method for ensuring that the NRIs would adhere to the same basic principles, thus bringing some coherence to the network.

Conclusion

To conclude, a few words on the NRIs' impact. Their main merit is the promotion of a multistakeholder approach to Internet governance. While there is no single definition of what constitutes a valid multistakeholder approach, there are a wide variety of interpretations thereof. The global IGF adopts an approach where all stakeholders participate as equals, while others differentiate between stakeholders in their respective roles, echoing the Tunis Agenda for the Information Society.¹⁰ At the national level, governments remain the ultimate decision makers. There is a difference between the IGF as a platform for dialogue with no operational tasks and the role of governments in charge of the welfare and security of their citizens. Some of the Internet institutions which do have operational tasks, such as Internet Corporation for Assigned Names and Numbers (ICANN), the Regional Internet Registries (RIRs) or the Internet Engineering Task Force (IETF) are somewhere in between. They all advocate a multistakeholder approach, but again, there is no single model. Common to all, however, is that the role of governments is different from other stakeholders.

At the national level, some form of multistakeholder consultation is essential for sustainable policy-development processes. While this may not be the IGF-type multistakeholder approach with all stakeholders having an equal say, it is a significant step forward compared to governments taking lonely decisions. Since the 19th century, in mature Western market-based democracies, a sophisticated network of non-governmental structures has evolved. Professional bodies, business and employers' associations, economic pressure groups, farmers' organisations as well as civil society institutions such as environmental or consumer protection advocates, established themselves as interlocutors of their respective governments and helped shape policy. Governments had to consult them and listen to their opinions if they wanted to be re-elected. These non-governmental structures are much weaker in countries where the government has traditionally run large sectors of the economy. It is a big step in the right direction towards good governance if the NRIs help encourage a dialogue with governments.

At the first West African IGF in 2009 I heard a representative of the local technical community say: "This is the first time the Minister is talking to us." The Minister attended the meeting because of its link, however weak, to the UN. It is this link that is important. It makes the NRIs relevant and fosters a multistakeholder approach at all levels. "It can be painful, but it helps us make better decisions" was the comment of a senior Kenyan government official, when asked why he participated actively in civil society list discussions. This defines the very essence of the multistakeholder approach.

¹⁰ Tunis Agenda for the Information Society, paragraph 33.
<https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

Thematic reports



NRIs: Role, impact and inclusiveness

David Souter¹

ict Development Associates

National and Regional Initiatives (NRIs) have become an important part of the Internet Governance Forum (IGF) family in recent years. They are frequently cited among the IGF's success stories – giving the global IGF more influence, allowing more dynamic interchange between global and national contexts, extending the reach of multistakeholder approaches to the internet in countries where that approach might not otherwise take hold.

Supporters of the global IGF have a strong incentive to applaud the growth of NRIs. They add to the collage of multistakeholder governance initiatives which IGF supporters welcome. But their success has been measured mostly by their numbers. How many NRIs are out there (a number that has been growing)? How many people have been taking part in them? Much less attention has been paid to assessing what they have done: how much they have contributed to national internet governance debates; where and when, if anywhere, they have influenced outcomes.

This GISWatch review is therefore timely. This commentary suggests some lines of enquiry concerning NRIs which might contribute to their future development.

The context for the NRIs: The IGF itself

It is worth beginning with some history, and of the IGF itself, not just of NRIs.

The IGF has become a fixture on the calendar for those who are interested in internet governance. Its survival after five and ten years was contested, but it was easily renewed at the United Nations' (UN's) WSIS+10² review in 2015. It is beginning to look permanent.

For many people, that is recognition of its value. It does substantially fulfil the mandate set out for it in paragraph 72 of the Tunis Agenda³ that concluded WSIS; rather better, in fact, than might have been expected.

I think there is considerable value in the IGF remaining largely a discussion forum, provided that diverse ideas and opinions are reflected there. However, not everyone agrees. There have long been rumblings of discontent that it does not produce more, and more substantive, outcome documents – and the fact that it does not undoubtedly reduces participation by some governments and some big players from the private sector. Each year, beneath the public praise for what it is doing, there are sub-currents of dissatisfaction with what the IGF has achieved, and whether it will retain its influence.

NRIs were not part of the original concept of the IGF. The first started spontaneously, as participants in early global IGFs thought the model would be useful back home too. There was initially no framework for supporting them (perhaps because the IGF Secretariat was – as it still is – under-resourced); but, when renewal of the mandate first came under question, around 2010, they were seen as part of the case for that renewal. A working group on improvements to the IGF, which followed, called for greater integration between NRIs and the global event.

NRIs now feature significantly on the agenda for the global IGF – though the session in which they feature will be more stimulating if it addresses general issues than if it consists of reports-back. There is also a formal recognition process. To get on the IGF website and have access to other “benefits”, NRIs must adhere to a set of principles set out in a toolkit⁴ put together by the Secretariat in collaboration with existing IGF initiatives. Although this calls itself “advisory”, it would be hard to run a national IGF without compliance.

1 David Souter's blog for APC, *Inside the Information Society*, is published weekly at <https://www.apc.org/en/column/inside-information-society>

2 Outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society, para. 63. [workspace.unpan.org/sites/Internet/Documents/UNPAN96078.pdf](https://www.unpan.org/sites/Internet/Documents/UNPAN96078.pdf)

3 Tunis Agenda for the Information Society (2005). <https://www.itu.int/net/ws/10/docs2/tunis/off/6rev1.html>

4 <https://www.intgovforum.org/review/toolkit-to-help-communities-to-establish-igf-initiatives>

Playing by the rules

The rules within the toolkit are not complex. To be recognised as an NRI, initiatives have to be “open and transparent, inclusive, multistakeholder, bottom up and non-commercial.” These are described as “baseline principles” of the global IGF (which, indeed, they have been). They are subject to limited elaboration in the toolkit. Organisers should, for example, begin with involvement from at least three stakeholder communities. They must not sell tickets, but they may have sponsors. They should also submit meeting reports to the global Secretariat.

Those that fulfil these requirements, the toolkit says, will be “valuable contributors in conducting an inclusive and open multistakeholder discussion on matters pertaining to the Internet,” while collaboration between them will “significantly [help] participants at the global IGF to better understand the substance of the issues existing around the world.” Encouragement is also given to Youth IGFs (though other demographic groupings are not mentioned).

These baseline principles are not contentious within the IGF community, though what they mean in practice might be differently interpreted by different stakeholders and in different countries. The remainder of this commentary asks three questions in the light of the experience to date:

- What is the purpose of the NRIs?
- How important is the national context?
- What other factors than those “baseline principles” are needed for success?

What is the purpose of the NRIs?

I have attended a number of NRIs – national events in several countries, and regional events in several continents. These have demonstrated significant similarities but also substantial differences. The similarities arise largely because they are (at least) trying to follow the same rules (described above) and conventions (drawn from the global IGF, with which their organisers are generally familiar). The differences are, therefore, more interesting.

There is a clear distinction between regional and national IGFs. The latter naturally focus on national priorities; the former look for consensus and synergies between national perspectives.

EuroDIG – the European regional event – resembles the global IGF in ethos and practice: more free-flowing, with lots of people who work full time on and in the internet exchanging views, collaborating and contesting, carrying on discussions which they have in other internet events outside the context of the IGF.

The other regional events I have attended have often felt more formal, perhaps because intergovernmental agencies have played a larger part in organising them. They have been more concerned than EuroDIG with elaborating a regional position which can feed into other regional gatherings and forums as well as into internet events. Governments have played a powerful role in some, but not all, of them. From the perspective of participants, the most useful outcomes may well have been the opportunities that they provide to exchange experience of different internet environments and policy approaches – on issues such as net neutrality and zero-rating, broadband regulation, and the blocking and filtering of content.

National IGFs vary between two different orientations. Some countries, including mine (UK), have toyed with both at different times.

Some NRIs have seen themselves as preparatory meetings for the global IGF. Some have based agendas on the themes that are to be discussed the next time the global meeting comes around. Others – and these have often been more interesting – have concentrated on the issues that are most important within their country at the time in question. These national priorities – as Monica Kerretts-Makau and I illustrated in work for the Internet Society some years ago⁵ – vary substantially between countries and over time.

Both these approaches are legitimate, but NRIs should clarify which they are trying to pursue and when. In practice, it might be most useful to participants if they included both, prioritised for national context, in their planning and agendas. The most interesting discussions I have attended at NRIs have been those that have addressed contentious issues of the moment from a national perspective, and have deliberately brought internet outsiders affected by them into the debate (see below).

How important is the national context?

The NRI toolkit is concerned primarily with ensuring that NRIs meet a common standard that can grant legitimacy within the context of the global IGF. It is equally important, however, that an NRI has legitimacy in its regional or national context. This has two important aspects, concerned respectively with content and with process.

5 Souter, D., & Kerretts-Makau, M. (2012). *Internet Governance in Kenya: An Assessment for the Internet Society*. https://www.researchictafrica.net/multistake/Souter_Kerretts-Makau_2012_-_Internet_governance_in_Kenya_-_an_assessment_for_the_Internet_Society.pdf

The toolkit pays more attention to the content side of this, where it requires “bottom-up” agenda setting. “NRIs are encouraged,” it says, “to run public consultations, in order to ensure that the community is aware of the initiative’s work.” “It is important,” it adds, “to ensure that the program agenda reflects the needs of the respective community.”

This suggests that agendas should look towards national priorities rather than towards those of the global IGF (see previous section). But a central question here concerns the nature and identity of “the community” that is to be consulted. The priorities of internet insiders, who primarily attend the IGF and NRIs, are often different from those of internet outsiders, who may use it and depend upon it but do not obsess about it, earn their livings from it or consider it their top priority.

Process, too, is difficult. It is much easier to organise a multistakeholder conference in a region or a country where multistakeholder engagement in policy and practice is the norm than where governments assert greater authority or do not generally welcome multistakeholder approaches. In some countries, an NRI may be impossible to organise without extensive government involvement or even leadership. Civil society organisations are weak in many countries, lacking organisational capacity and leverage as well as substantial policy engagement with the internet. Private sector involvement can be dominated by international data corporations or national telcos/ISPs, with little engagement from local businesses (whether in the ICT sector or just users of the internet).

Content and process may combine here, in interesting ways. In Pakistan (see the Pakistan country report in this volume), attempts to organise an NRI were made by digital rights activists in opposition to legislation that had been proposed by the government. But NRIs are intended to be meeting places for all stakeholders, including governments. Would Pakistan’s digital rights initiative, had it got off the ground, have met the criteria set out in the toolkit?

There is a need here for contextual diversity. Not everyone could or should do things exactly the same way. Indeed, the internet is surely built upon the principle that they do not, should not. Compliance with the toolkit does not guarantee success. Equally, it may need to be flexibly interpreted in order to accommodate alternate (innovative?) ways of doing things. What should matter here is whether an initiative generates real debate about the issues that affect its country or region.

Are the Secretariat’s “baseline principles” sufficient?

The wider issue with the toolkit’s “baseline principles” is that they are insufficient to ensure this. To be successful, NRIs need to air different views about issues that matter to local populations. There are a number of challenges here for NRIs which are not resolved by rules that focus only on stakeholder involvement. I will illustrate from experience at events I have attended.

First, NRI organisers have different views on what they are trying to achieve. Some focus on “awareness raising” and “capacity building”, for example. These are laudable objectives. It is hard, but not impossible, to locate them alongside policy debates within a single-day event. But there is a risk that they become didactic: in particular that they are dominated by those with particular perspectives – government, business or civil society – who confuse awareness raising and capacity building with advocacy, seeking to persuade others to agree with them.

Second, “multistakeholder” formats are not necessarily “inclusive”. I will illustrate.

The panel on cybersecurity at one NRI that I attended recently was multistakeholder, as required by the toolkit. Diverse stakeholder groups were represented on it. Yet everyone on that panel was white, male, aged over 50 and shared the same perspective on the subject (“we’re doing all we can; it’s tough but we’re confident that it’s in hand”). None had much to say about the future.

There are two problems here. The first, obviously, is that the panel lacked demographic diversity – of gender, ethnicity or age. This is a common problem. A panel is not diverse if it includes different stakeholder communities but ignores gender, age, geography, education and ethnicity. (This is true generally. Youth NRIs, which are promoted by the IGF Multistakeholder Advisory Group and Secretariat, will not add inclusiveness if – as one South Asian participant put it to me at an IGF – they are composed only of high-income, highly educated youths from elite schools and universities in national capitals.)

The second problem is that the session I described lacked different perspectives. Everyone said much the same and no one said much that was new. This was internet insiders talking to other internet insiders – there were some 50 in the room – within a comfort zone. That may give those present a glow of satisfaction but it is not going to influence political opinion in the country or build wider understanding of the impact of the internet amongst internet

insiders or the wider public; and it will not have much value when reported at the global IGF.

Two points; two challenges – both of which relate to the global event as well as to the NRIs.

First, debate about the internet needs to reach beyond internet insiders to include those who do not share the dominant perspective at the IGF: those who are anxious about the internet; those who fear its impact on their societies, economies and cultures; those indeed who do not share the IGF's prevailing ethos that its governance should be multistakeholder, not multilateral. At present, neither the IGF nor NRIs do this sufficiently. They should.

Second, debate about the impact of the internet needs to reach beyond those internet insiders to

include the views of experts on other areas of society, economy and culture that are impacted by it. Too many panels on issues like human rights and sustainable development at the IGF and NRIs are led by internet insiders who think they know about them. Organisers should invite specialists on those issues to take the floor or, better, lead in those discussions. We who focus on the internet have much to learn from them.

In conclusion

I support the IGF. I think that NRIs have added significantly to it and, more importantly, add value to national discussions about the internet. To do so more effectively, though, they must move forward to become more wide-ranging and inclusive.

NRIs and the United Nations IGF: A reciprocal relationship

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Introduction

National and Regional Internet Governance Forums (NRIs) grew organically and spontaneously in the first few years after the United Nations (UN) Internet Governance Forum (IGF) – what we have come to know as the global IGF – was established in 2006. These national and regional IGFs focused on internet governance and broader internet policy issues that reflect national and regional priorities.

It is not clear when exactly the NRIs were created, but for the first two years, the global IGF did not refer to national and regional activities, neither in the agenda of the IGF meeting itself nor in annual IGF publications.¹ The lack of representation and mention of national and regional IGFs in the early IGF meetings demonstrates that the global IGF did not have an active role in shaping these initiatives.

There were various reasons for the formulation of national and regional IGFs. Mostly they were created as a way to have local voices and issues brought to the global IGF, a bottom-up approach we recognise from internet policy making in general. In 2008, four East African countries – Kenya, Uganda, Tanzania and Rwanda – each held national IGF meetings and together organised an East African Internet Governance Forum (EA-IGF) with the explicit purpose of sharing the region's views at the global IGF to be held later that year in Hyderabad. The Asia Pacific regional IGF (APrIGF) was created following the 2008 IGF in Hyderabad to bring more attention to that region, building on the momentum and interest that the global IGF had created.² A United States IGF was first held in 2009, and one of its major aims was to discuss the continuation of the

UN IGF, which was a hot topic at the time.³ In other instances, national IGF initiatives were formed to contribute to the global IGF.⁴ Many of them were strongly supported by local country code top-level domain (ccTLD) registries such as .CA and .UK.

Gaining traction at the global IGF

While NRIs started to flourish from 2008,⁵ two years after the inception of the IGF, they first gained prominence at the global IGF in 2010. The World Summit on the Information Society (WSIS) held in Tunis in 2005 gave the IGF an initial five-year mandate, and this was to be reviewed by the UN General Assembly a few months after the 2010 forum was held. The global IGF Secretariat began enlisting NRIs in preparation for the 2010 meeting.⁶

The ever increasing number of these regional and national meetings was a tangible example of the success of the IGF's multistakeholder approach to policy dialogue. The IGF Secretariat rightly saw the inclusion of NRIs in the programme as one of the major achievements of IGF, something that could be a factor in convincing the UN General Assembly to extend the IGF's mandate. We should not disregard other simple reasons, such as the opportunity they gave for the IGF Secretariat to travel and make speeches, which extended the Secretariat's visibility and influence beyond just the annual global IGF and its home in Geneva. For the global IGF, an annual meeting with few resources to undertake outreach, national and regional meetings were an opportunity to create strong linkages with local actors.

The view that the emergence of the NRIs was a notable success of the IGF process was advanced by the participants in both IGF plenary sessions and workshops. For example, the Chairman's Summary from the Vilnius IGF in 2010 notes that several speakers, including parliamentarians, "mentioned

1 See, for example, Doria, A., & Kleinwächter, W. (Eds.). (2007). *Internet Governance Forum (IGF): The First Two Years*. www.intgovforum.org/multilingual/filedepot_download/3367/5

2 Fifth Meeting of the Internet Governance Forum. (2010). *Chairman's Summary*. www.intgovforum.org/cms/2010/Chairman%27s.Summary.Expanded.pdf

3 Marilyn Cade, Vilnius IGF, 16 September 2010. www.intgovforum.org/cms/component/content/article/102-transcripts2010/685-rnusa

4 Fifth Meeting of the Internet Governance Forum. (2010). Op. cit.

5 Ibid.

6 Epstein, D., & Nonnecke, B. M. (2016). Multistakeholderism in Praxis: The Case of the Regional and National Internet Governance Forum (IGF) Initiatives. *Policy & Internet*, 8(2), 148-173.

the IGF's success and growth over the years. One of the significant examples was the widespread introduction of regional and national IGF type meetings that have occurred over the last two years. These regional and national IGF initiatives had contributed to the debates between government, parliamentarians, industry and civil society.⁷

Acknowledging the importance of the NRIs to the whole process, the IGF Secretariat started to pay them more attention after the global forum's mandate was extended in 2010. In preparation for the 2011 IGF in Nairobi, the NRI mailing list became more active and the Secretariat started arranging sessions at the IGF where various local IGF initiatives could present their work. However, the main stakeholder groups represented in the IGF Multistakeholder Advisory Group (MAG), which was tasked with convening each year's global IGF, wanted to make clear that these local forums were not official activities of the UN IGF. The word "initiatives" was added to what had until then been ad hoc references to national or regional IGF meetings. The word "initiatives" communicated their independence from the global UN IGF and we now refer to National and Regional (Internet Governance Forum) Initiatives or NRIs.

The recommendations of a working group on improvements to the IGF were another element that helped strengthen the relationship between the UN IGF and NRIs. In 2010, the Economic and Social Council (ECOSOC) adopted resolution 2010/2 on the "Assessment of the progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society".⁸ A working group was formed to report to the Commission on Science and Technology for Development (CSTD)⁹ to provide recommendations to improve the IGF in line with the mandate set out in the Tunis Agenda.¹⁰

The CSTD working group paid a lot of attention to NRIs and recognised them as a strong linkage between local internet governance issues and the global IGF. They asked for more information and materials about the NRIs.¹¹ These recommendations were adopted by the IGF Secretariat, although slowly.

Getting more formalised

Until around 2012, the IGF Secretariat had no formal criteria for the creation and operation of NRIs. The executive coordinator of the IGF Secretariat used to relay some soft criteria during IGF meetings or when IGF initiatives wanted to be listed on the IGF website. However, this changed in 2012 when the IGF Secretariat, prompted by civil society groups, announced the minimum criteria for NRIs to be listed on its website. These criteria, which previously had been verbally communicated and not stringent or restrictive, stemmed from IGF and internet governance principles: NRIs should be multistakeholder, non-commercial, open and transparent. The requirement reads:

The IGF initiatives are expected to follow the principles and practices of being open and transparent, inclusive and non-commercial. They work in accordance with the bottom up consensus process of the IGF and need to have a multistakeholder participation (at least three stakeholder groups initially, and evolve toward inclusion of all stakeholder groups), in both formation of the Initiative and in any other Initiative related events.¹²

The newly formed NRIs need to contact the Secretariat, provide a report and demonstrate that they are open, multistakeholder and transparent. They will then be listed on the website.

Members of the MAG, selected by the Under-Secretary-General of the UN Department of Economic and Social Affairs (UNDESA),¹³ emphasised throughout their deliberations that NRIs had an organic nature and the criteria for their formulation should be very minimal. Moreover, the IGF Secretariat did not police the IGF initiatives, but when initiatives asked to be listed on the IGF website and be recognised by it, they would have had to comply with these minimum criteria. This was an effective measure that led to at least one NRI holding its previously closed meetings open to the public.¹⁴

When the stakes get higher

Not all IGF initiatives were listed on the IGF website for a while. This increasingly changed when the IGF Secretariat started paying attention to these initiatives and gave them a space on the agenda of global IGF annual meetings to present their work. Moreover, being listed on the UN IGF website started

7 Fifth Meeting of the Internet Governance Forum. (2010). Op. cit.

8 unctad.org/Sections/un_cstd/docs/ecosoc_res2010d2_en.pdf

9 unctad.org/en/Pages/CSTD.aspx

10 unctad.org/Sections/un_cstd/docs/UN_WGIGF2011d07_summary_en.pdf

11 Ibid.

12 <https://www.intgovforum.org/multilingual/content/igf-regional-and-national-initiatives>

13 <https://www.un.org/development/desa/en>

14 For confidentiality reasons, the author cannot name the initiatives or make references to personal emails.

gaining legitimacy for these initiatives locally and internationally.

Locally it showed their legitimacy to their communities. Affiliation with UN entities is much valued in developing countries and this also held true for newly established NRIs. Although NRIs were not a branch of the UN IGF, the attendance of a UN representative – often from the IGF Secretariat – in their meetings and sometimes the similarity of their agenda and structure to those of the UN IGF gave the impression that they were closely working with the UN IGF. This mirrored the growing tendency of the UN IGF to embrace the NRIs to secure its own legitimacy.

The relationship between the IGF Secretariat, the UN IGF annual meeting and the NRIs was strengthened when the IGF Supporting Association (IGFSA)¹⁵ was formed. Before the establishment of the IGFSAs, the IGF Secretariat could not easily accept donations nor sponsor the NRIs. The IGFSAs were created to address these difficulties in providing support for NRIs and for the IGF Secretariat.

Potential access to funding created more incentives for the NRIs to strengthen their linkage with the UN IGF. The IGF Secretariat also provided more support: working with some of the NRIs, the Secretariat came up with a toolkit¹⁶ on how to formulate NRIs and assigned a focal point for managing the relationship between the NRIs and the Secretariat.

Conclusion

The relationship between the UN IGF and NRIs is very reciprocal. The UN IGF and NRIs grant each other legitimacy. This is evident from the emphasis of the UN IGF over time on reporting on the activities of NRIs. NRIs extend the influence of the IGF and very importantly the multistakeholder approach to internet governance and internet policy development to the regional and national level. They can be the champions of open, multistakeholder and transparent processes for internet governance in their local communities. However, to what extent they truly can and will uphold these values should be measured.

¹⁵ www.igfsa.org

¹⁶ www.intgovforum.org/multilingual/index.php?q=filedepot_download/3568/480

A mapping of national and regional IGFs

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In 2005, during the World Summit on the Information Society (WSIS), the Tunis Agenda established the basis for the global Internet Governance Forum (IGF):

We ask the UN [United Nations] Secretary-General, in an open and inclusive process, to convene, by the second quarter of 2006, a meeting of the new forum for multi-stakeholder policy dialogue – called the Internet Governance Forum.¹

The same document also laid the foundation for the creation of similar national and regional processes:

We encourage the development of multi-stakeholder processes at the national, regional and international levels to discuss and collaborate on the expansion and diffusion of the Internet as a means to support development efforts to achieve internationally agreed development goals and objectives, including the Millennium Development Goals.

The first global IGF was formally announced by the UN Secretary-General in July 2006. That same year, some countries started organising initiatives at country level.²

Since then, the global IGF has inspired the development of numerous IGF initiatives at country, subregional and regional levels, known as NRIs. As the events started to grow in numbers, the IGF Secretariat in collaboration with NRI organisers developed a *Toolkit to assist communities in establishing the IGF initiatives*.³

The toolkit describes the basic requirements for an IGF initiative to be considered official and listed on the IGF website, including the fact that “NRIs should be multistakeholder, non-commercial, open and transparent”. It also offers suggestions about organising structures and processes.⁴

This report allows us to visualise the growth of local and regional IGF events over the period 2011-2017. To compile the information we have used the official pages of the IGF Secretariat on the IGF website,⁵ and have also consulted individual NRIs and their websites. We apologise if any information displayed is not accurate or complete.⁶

Observations

Regional IGFs have become more stable and organised over time, with most regions having held IGFs for the whole period, as can be seen in Table 1. Meanwhile, as illustrated in Table 2, although only a few countries have organised an IGF every year since 2011, national IGFs continue to proliferate, with numbers growing steadily year after year. There seems to be a dramatic growth of local events this year, with national events taking place in 52 countries.

1 <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

2 https://intgovforum.org/multilingual/system/files/filedepot/21/IGF2017_OC%20and%20MAG_NRIs%20Status%20Update.pptx

3 https://www.intgovforum.org/multilingual/index.php?q=filedepot_download/3568/480

4 For additional information please see the report “NRIs and the United Nations IGF: A reciprocal relationship” in this issue.

5 <https://www.intgovforum.org/multilingual/content/igf-regional-and-national-initiatives>

6 There are, for example, contradictions in some online data, as in the case when national IGFs are only recognised retroactively by the IGF Secretariat. In these cases we have done our best to consolidate the information available from several sources.

TABLE 1.							
Regional IGF initiatives during the period 2011-2017							
Regional IGF	2011	2012	2013	2014	2015	2016	2017
African IGF (AfIGF)	✓	✓	✓	✓	✓	✓	✓
Arab IGF		✓	✓	✓	✓		
Asia Pacific IGF (APriGF)	✓	✓	✓	✓	✓	✓	✓
Caribbean IGF (CIGF)	✓	✓	✓	✓	✓	✓	✓
Central Africa IGF (CA-IGF)	✓	✓	✓	✓	✓	✓	✓
Central Asia IGF (CAIGF)						✓	✓
Commonwealth IGF	✓	✓	✓	✓	✓		
East Africa IGF (EA-IGF)	✓	✓	✓	✓	✓		
European Dialogue on Internet Governance (EuroDIG)	✓	✓	✓	✓	✓	✓	✓
Latin America and Caribbean IGF (LACIGF)	✓	✓	✓	✓	✓	✓	✓
Macao IGF						✓	
Pacific IGF	✓	✓				✓	✓
Persian IGF			✓	✓	✓		
South Eastern European Dialogue on Internet Governance (SEEDIG)					✓	✓	✓
Southern Africa IGF (SAIGF)	✓	✓	✓	✓	✓		
West Africa IGF (WAIGF)	✓	✓	✓		✓	✓	✓

TABLE 2.							
National IGF initiatives during the period 2011-2017							
Country	2011	2012	2013	2014	2015	2016	2017
Afghanistan							✓
Albania							✓
Argentina					✓	✓	✓
Armenia					✓	✓	✓
Australia		✓	✓	✓	✓	✓	
Austria					✓		✓
Azerbaijan			✓	✓	✓		
Bangladesh	✓	✓	✓	✓	✓	✓	
Barbados							✓
Belarus					✓	✓	✓
Benin			✓	✓	✓	✓	✓
Bolivia							✓
Bosnia and Herzegovina					✓	✓	
Brazil	✓	✓	✓	✓	✓	✓	✓
Cameroon			✓	✓	✓	✓	✓
Canada	✓	✓	✓	✓	✓	✓	
Chad					✓	✓	✓
China							
Colombia				✓	✓	✓	✓
Costa Rica							✓

TABLE 2.

National IGF initiatives during the period 2011-2017 (cont.'d)

Country	2011	2012	2013	2014	2015	2016	2017
Cote d'Ivoire	✓	✓					
Croatia					✓	✓	✓
Denmark	✓		✓	✓	✓	✓	
Dominican Republic					✓	✓	✓
Ecuador						✓	✓
Estonia						✓	
Finland	✓		✓	✓	✓		✓
Georgia						✓	✓
Germany	✓	✓	✓	✓	✓	✓	✓
Ghana	✓				✓	✓	
Guatemala							✓
Indonesia		✓		✓		✓	✓
Italy	✓	✓		✓	✓	✓	✓
Japan	✓	✓					
Kenya	✓	✓	✓	✓	✓	✓	✓
Lebanon							✓
Macedonia							
Malawi							✓
Malaysia				✓			✓
Malta		✓	✓	✓	✓		
Mauritius							✓
Mexico					✓		
Moldova						✓	
Mozambique				✓	✓		
Namibia							✓
Nepal							
Netherlands	✓	✓	✓	✓	✓	✓	✓
New Zealand	✓		✓	✓	✓		
Nigeria		✓	✓	✓	✓	✓	✓
Panama							✓
Paraguay				✓	✓	✓	✓
Peru						✓	✓
Poland						✓	✓
Portugal	✓	✓		✓	✓	✓	✓
Russia	✓	✓	✓	✓	✓		✓
Rwanda	✓			✓	✓	✓	✓
Senegal			✓	✓	✓	✓	✓
Slovenia						✓	✓
South Africa					✓	✓	
South Sudan							✓
Spain	✓	✓	✓	✓	✓	✓	✓

TABLE 2.

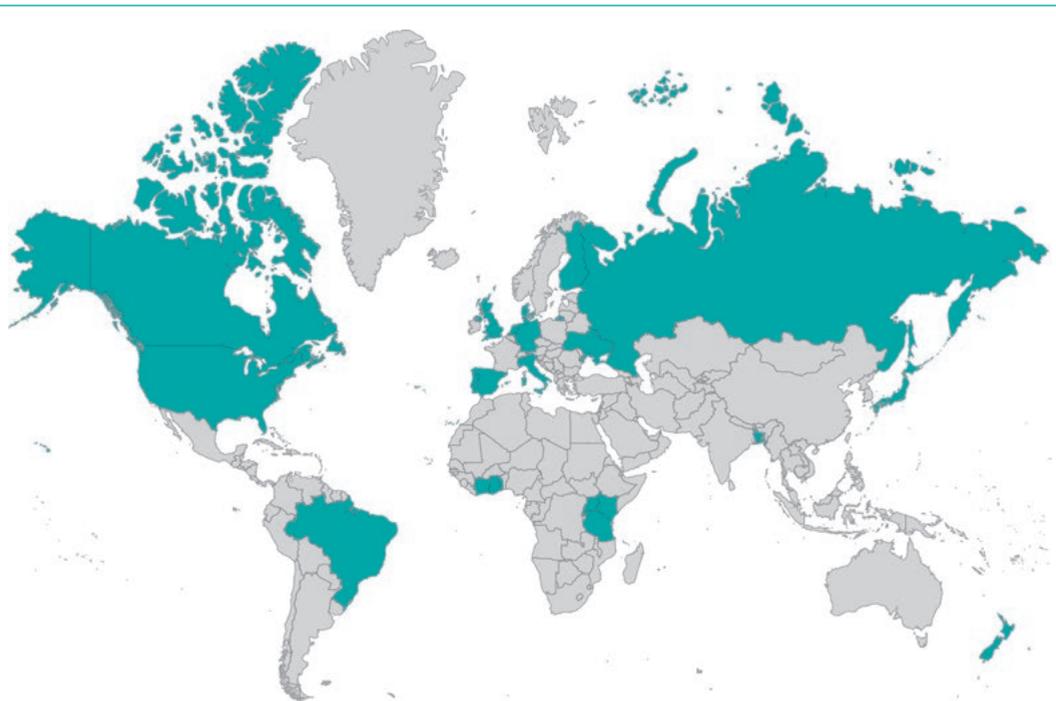
National IGF initiatives during the period 2011-2017 (cont.'d)

Country	2011	2012	2013	2014	2015	2016	2017
Sri Lanka						✓	✓
Switzerland					✓		✓
Taiwan					✓	✓	✓
Tanzania	✓						
The Gambia		✓					
Togo	✓		✓	✓	✓	✓	✓
Trinidad and Tobago							✓
Tunisia			✓	✓	✓		✓
Uganda	✓	✓	✓	✓			✓
Ukraine	✓	✓	✓	✓	✓	✓	✓
United Kingdom	✓	✓	✓	✓	✓	✓	✓
United States of America	✓	✓		✓	✓	✓	✓
Uruguay						✓	✓
Zimbabwe					✓		

2011

11 REGIONAL AND SUB-REGIONAL AND 23 NATIONAL EVENTS*

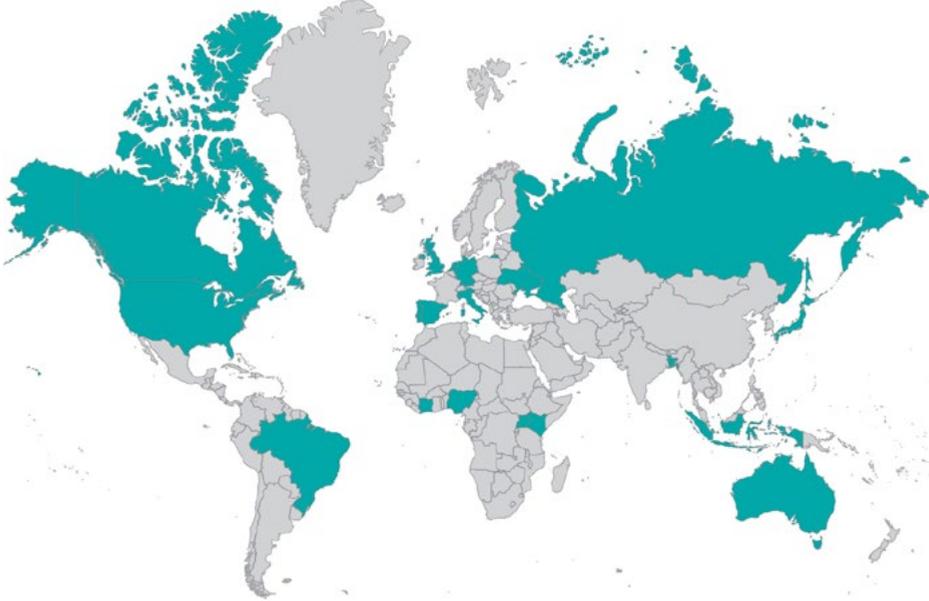
Map of national events 2011**

* <https://www.intgovforum.org/cms/component/content/article/114-preparatory-process/1214-regional-and-national-igf-initiatives-2011>** https://www.amcharts.com/visited_countries/#DK,FI,DE,IT,NL,PT,RU,ES,UA,GB,CA,US,BR,CI,GH,KE,RW,TZ,TG,UG,BD,JP,NZ

2012

12 REGIONAL AND SUB-REGIONAL AND 21 NATIONAL EVENTS*

Map of national events 2012**



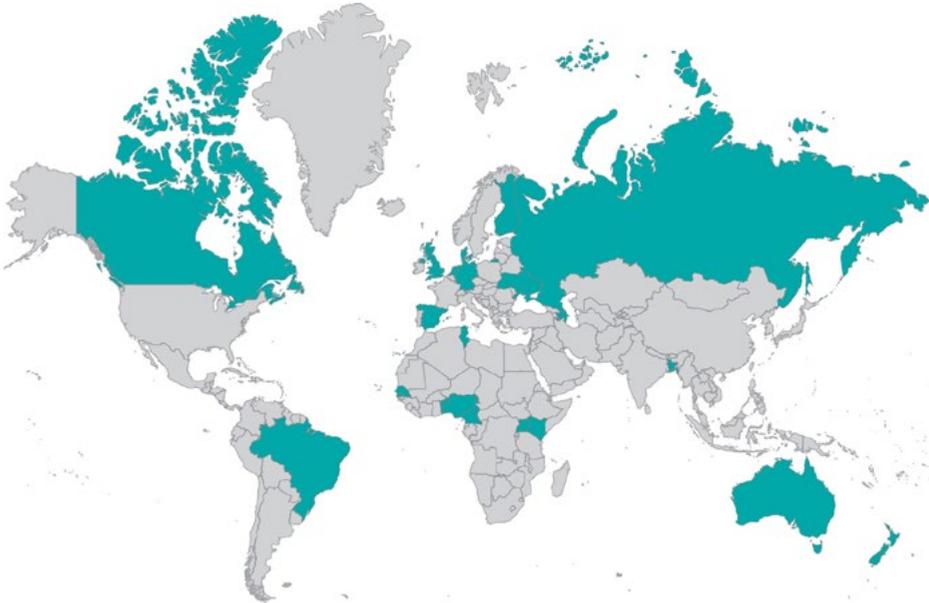
* <https://www.intgovforum.org/cms/component/content/article/114-preparatory-process/1281-igf-initiatives-2012>

** https://www.amcharts.com/visited_countries/#AU,BD,BR,CA,CI,DE,ID,IT,JP,KE,MT,NL,NG,PT,RU,ES,GM,UG,UA,GB,US

2013

12 REGIONAL AND SUB-REGIONAL AND 23 NATIONAL EVENTS*

Map of national events 2013**



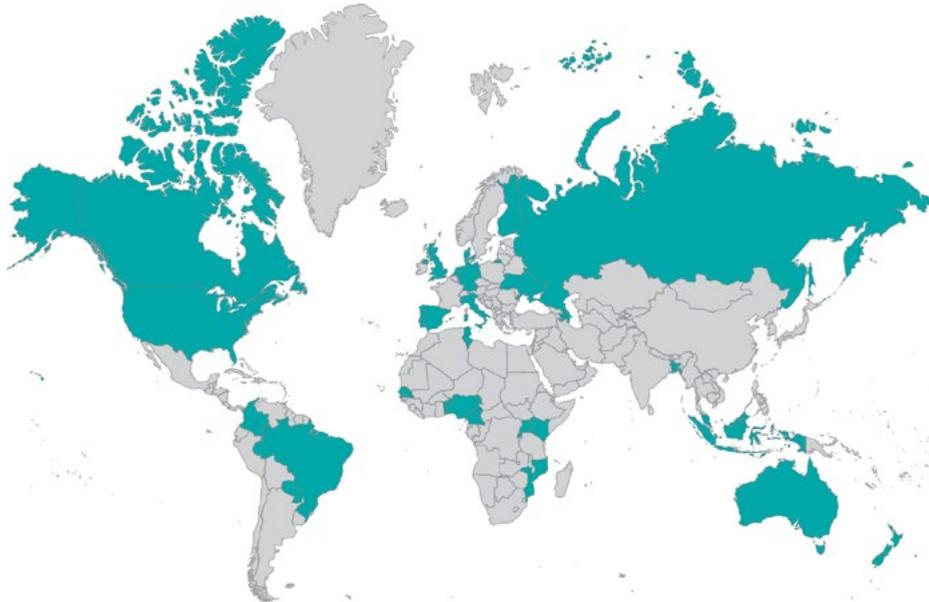
* <https://www.intgovforum.org/cms/national-and-regional-igf-initiatives-2013>

** https://www.amcharts.com/visited_countries/#AU,AZ,BD,BJ,BR,CM,CA,DK,FI,DE,KE,MT,NL,NZ,NG,RU,SN,ES,TG,TN,UG,UA,GB

2014

11 REGIONAL AND SUB-REGIONAL AND 32 NATIONAL EVENTS*

Map of national events 2014**



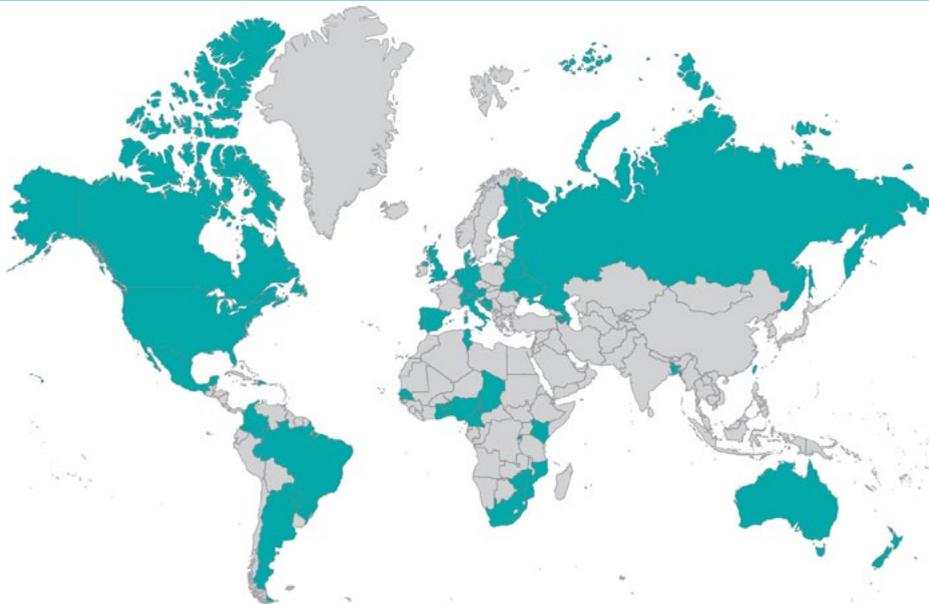
* <https://www.intgovforum.org/multilingual/content/national-and-regional-igf-initiatives-2014#overlay-context=user>

** https://www.amcharts.com/visited_countries/#AZ,DK,FI,DE,IT,MT,NL,PT,RU,ES,UA,GB,CA,US,BR,CO,PY,BJ,CM,KE,MZ,NG,RW,SN,TG,TN,UG,BD,ID,MY,AU,NZ

2015

13 REGIONAL AND SUB-REGIONAL AND 43 NATIONAL EVENTS*

Map of national events 2015**



* <https://www.intgovforum.org/multilingual/content/national-and-regional-igf-initiatives-2015>

** https://www.amcharts.com/visited_countries/#AR,AM,AU,AT,AZ,BD,BY,BJ,BA,BR,CM,CA,TD,CO,HR,DK,DO,FI,DE,GH,IT,KE,MT,MX,MZ,NL,NZ,NG,PY,PT,RU,SN,ZA,ES,CH,TW,TG,TN,UA,GB,US,ZW,RW

The national IGF landscape in Latin America and the Caribbean: Mapping the initiatives

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Introduction

The regional Internet Governance Forum of Latin America and the Caribbean (LACIGF) celebrated its 10th event in August 2017. This is a landmark for a developing region that is still striving to connect the remaining 50% of its inhabitants to the internet. In tandem, national internet governance initiatives flourish in the region.

This report, based on a regional mapping study, considers the rise of national IGFs in the LAC region and the factors and mechanisms that influenced their creation. Although drawing on a regional analysis, the preliminary findings have global relevance and significance in understanding the potential factors that drive the creation of forums across the world.

Research features

While the region has many problematic fronts in terms of infrastructure, digital literacy and internet policy more generally, there has been a marked increase in recent years of national IGFs.¹ Although the Tunis Agenda² adopted at the World Summit on the Information Society (WSIS) acknowledged the relevance of national mechanisms for internet governance in 2005, it was only after 2013 that these national IGFs clearly began to emerge as a consistent pattern in the region. Several questions arise from this trend: Why has this only taken place after more than five years after Tunis? Have they been triggered by domestic processes? Has the international context determined their creation? Or, are

they a combination of both national and international forces? In both scenarios – domestic or global influences – it is vital to identify the main factors that underlie the creation of these mechanisms, the current processes and formats for the forum that have been set up, and the consequences they have had for internet governance and policy in their local and regional context more generally.

This report is based on ongoing research focused on mapping different internet governance initiatives in the LAC region. This research aims to provide information on the evolution and status of the internet governance agenda within different countries, including by offering a comparative perspective.³ Due to the lack of systematic information on national internet governance initiatives, the project seeks to promote a comprehensive approach to the issue, based on the existing evidence and literature on the subject. A broader aim of the research is to enhance the value of National and Regional IGF Initiatives (NRIs) and internet governance more generally in national public policy processes and cycles in the region as a means to achieve fairer, more accountable and open societies.

The approach to the overall research is largely empirical, based on both qualitative approaches and quantitative data. The key dimensions that are considered for the mapping exercise are the following:

- Themes: evolution of the internet governance agenda in each country and, from a comparative perspective, in the region.
- The formats of these initiatives, including governance structure, work modality and processes.
- Identifying the resources that sustain these initiatives (human and financial).

¹ Please refer to the report “A mapping of national and regional IGFs” in this edition.

² World Summit on the Information Society. (2005). *Tunis Agenda for the Information Society*. <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

³ The project is expected to be finished by April 2018 and one of the outputs is to produce a website mapping the different national initiatives in the region. The research addresses the cases of Argentina, Barbados, Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, Mexico, Panama, Peru, Paraguay, Venezuela, Trinidad and Tobago and Uruguay, since they have already organised their own internet governance initiatives and are all in different stages of formalisation. This research project is supported by the Internet Policy Observatory, University of Pennsylvania.

- Analysis of the impact of the initiatives on internet policy in the country and region.

While we cannot comprehensively address these dimensions in all the national contexts for this current report, we will focus on the origins and evolution of individual initiatives, as well as their agendas and emerging challenges.

The evolution of national initiatives in LAC

Some countries undertake some Internet governance activity to a small extent by running Country Code Top Level Domain (ccTLD) administrations, although quite a number lag behind even in this basic activity. Some also participate in varying degrees in the activities of the Internet Corporation for Assigned Names and Numbers' (ICANN) Governmental Advisory Committee (GAC), attend international forums such as those organized by the International Telecommunication Union (ITU), and have a regulatory regime for the Internet services sector. Nevertheless these efforts can be characterized as being disparate, uncoordinated and not involving all stakeholders. The national Internet governance regimes in most countries at the moment do not meet the WSIS criteria of being transparent, accountable, democratic and involving the full participation of all stakeholders.⁴

As reflected in the above quotation of one of the members of the global Working Group on Internet Governance (WGIG) in 2005, at the time of the Tunis Agenda, national mechanisms for internet governance were insufficient and did not comply with the principles underscored by the WSIS process for internet governance processes more generally. Despite this gap, it was only six years after the Tunis Agenda was adopted that a national forum was created in Brazil. But only in 2014 did the region see more initiatives emerging to configure what could be labelled as a trend, as illustrated in Figure 1.

In the case of Brazil, the existence of the Brazilian Internet Steering Committee was already an advanced national mechanism on its own.⁵ The cre-

ation of a forum can be interpreted as an extra step in the consolidation of national internet governance activities. Other national contexts that had already developed a process around internet governance issues were:

- Mexico, with the Mexican Dialogues on Internet Governance initiated in 2013.
- Costa Rica, which had developed the Internet Consultative Committee (CCI) in 2012 and five years later organised its first national IGF.
- Colombia, with the Colombian Bureau of Internet Governance,⁶ a platform for multistakeholder dialogue created in 2013 during the 6th LACIGF.

While Argentina did not have a mechanism that could be compared to these other initiatives, it had organised a pre-IGF event in 2015 to start organising the community for a fully-fledged multistakeholder event in 2016. In other countries in the region, the initiatives were mostly driven by the need to generate a national forum as a multistakeholder space for informed dialogue on internet policy issues, with stakeholders on an equal footing.

In a preliminary analysis of these initiatives,⁷ there are several issues that emerge forcefully. First, the country code top-level domain (ccTLD) of the country is involved in all cases. This fact is related to the historic role played by these organisations in the operation of critical internet resources. In that capacity, they had to abide by global principles for the interoperability of the root zone, and at the same time, to look at the needs of their national communities. In a similar vein, Internet Society (ISOC) chapters⁸ are the national nodes of a larger organisation with the mission to maintain the core architectural and policy principles of the internet, and many country initiatives are sustained and supported by these. In this way, ccTLDs and/or ISOC chapters play a catalysing role.

Another finding is related to a pattern: the first wave of national IGFs emerged clearly in 2014, shortly after the Edward Snowden surveillance revelations and the consequent effects on global internet policy. The impact of these revelations of global, mass cybersurveillance cannot be underestimated, since it forcefully pushed the relevance of internet governance onto the agenda of regional policy makers, and rallied civil society around a fresh urgency

4 Siganga, W. (2005). The Case for National Internet Governance Mechanisms. In W. J. Drake (Ed.), *Reforming Internet Governance: Perspectives from the Working Group on Internet Governance (WGIG)*. New York: The United Nations Information and Communication Technologies Task Force.

5 Glaser, H. R., & Canabarro, D. R. (2016). Before and after the WGIG: Twenty years of multistakeholder Internet governance in Brazil. In Drake, W. J. (Ed.), *The Working Group on Internet Governance: 10th anniversary reflections*. Association for Progressive Communications. https://www.apc.org/sites/default/files/IG_10_Final_0.pdf

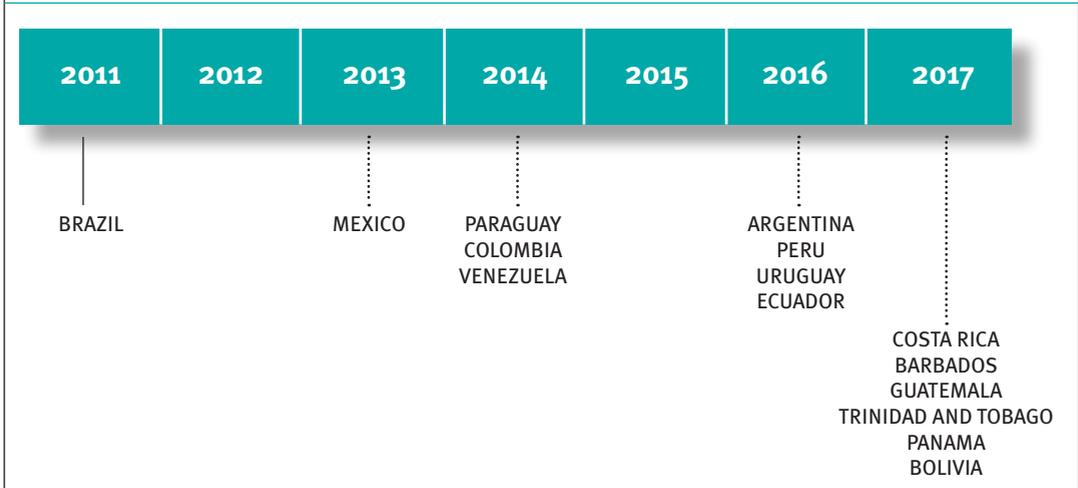
6 See the Colombia country report in this edition for more information on the Colombian Bureau of Internet Governance.

7 As was stated previously, at the time of publication, the research was still ongoing.

8 <https://www.internetsociety.org/chapters>

FIGURE 1.

Timeline: Emergence of national IGFs in LAC



of cause.⁹ For the first time, addressing internet governance was not a niche topic for specialists: it was reflected prominently in the media and it became a public policy issue that demanded the attention of governments. In this context, the organisation of a national IGF made sense as a space to discuss and address issues of concern for many stakeholders, and for wider audiences. In all the cases where a national IGF emerged in 2013-2014, there was a direct interest in beginning to address internet governance issues from the perspective and possibilities of a national IGF as well as with other mechanisms. That need was captured by the Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial) held in 2014.¹⁰

A second wave of national IGF initiatives in the region appeared in 2016-2017. One of the most important explanations for that development is the fact that the organisational aspects become clearer

for the interested stakeholders: as there were more national IGFs in the region, it became easier to share best practices and find guidance. One such best practice is the creation of pre-events in order to set the scene and generate capacity building before the actual national IGF. Another is the development of open consultation mechanisms for the development of the agenda, where input from the community is sought to organise the programme. Many of the regional and sometimes global representatives of ICANN,¹¹ ISOC and the regional registry, the Latin America and Caribbean Network Information Centre (LACNIC),¹² have participated in these events, helping to legitimise them and provide sustainability.

In addition, funding and general support for holding a forum is more readily available. The global internet governance ecosystem is providing more assistance to these initiatives by providing clearer expectations as to the sources of funding now available from organisations such as the Internet Governance Forum Support Association (IGFSA),¹³ ISOC and ICANN, as well as by offering toolkits and recommendations developed by organisations such as ISOC¹⁴ and the National and Regional IGF Initiative group of the IGF Secretariat.¹⁵

9 Aguerre, C., & Galperin, H. (2015). *Internet Policy Formation in Latin America: Understanding the links between the national, the regional and the global*. Internet Policy Observatory, Center for Global Communication Studies at the University of Pennsylvania. globalnetpolicy.org/wp-content/uploads/2015/06/CarolinaHernan_InternetPolicy_final.pdf

10 The final statement adopted during the meeting reads as follows: "There is a need to develop multistakeholder mechanisms at the national level owing to the fact that a good portion of Internet governance issues should be tackled at this level. National multistakeholder mechanisms should serve as a link between local discussions and regional and global instances. Therefore a fluent coordination and dialogue across those different dimensions is essential." For further information on the NETmundial process, see: Drake, W. J., & Price, M. (Eds.), *Beyond NETmundial: The Roadmap for Institutional Improvements to the Global Internet Governance Ecosystem*. www.global.asc.upenn.edu/app/uploads/2014/08/BeyondNETmundial_FINAL.pdf

11 <https://www.icann.org>

12 www.lacnic.net

13 www.igfsa.org

14 ISOC Internet Governance Event Toolkit: <https://www.internetsociety.org/blog/2015/07/isoc-internet-governance-event-toolkit-bringing-the-discussions-to-the-people>

15 <https://www.intgovforum.org/multilingual/es/content/igf-regional-and-national-initiatives>

Even though the global internet governance regime constitutes a much more open, less formalised and “inchoate” system vis-à-vis others,¹⁶ it is very close to the concept of an institution in its capacity to provide structure, stability and reference values.¹⁷ From the initial evidence of these cases, the international regime – structured in a mesh of institutional actors and policy processes – has managed to exert its influence by promoting a framework that has “streamlined” these initiatives to conform to these expectations in terms of format and overall objectives.

Despite these effects from the international environment, one can see strong variations from country to country, related with how these national forums become integrated with the national policy environment and local institutional culture. In addition, there are distinct differences among them. One of the most salient is related to whether they are once-off annual events, or whether they manage to become part of a broader mechanism, as is the case with Brazil, Colombia and Costa Rica. Nevertheless, while mainstreamed in those countries, the national IGF is only one of the initiatives dealing with internet governance.

Themes and issues

While the format and organisational settings of these initiatives are vital aspects, since they tend to show their adherence to and way of materialising the principles and best practices enshrined in the discourse of the internet governance regime, the issues that are addressed in their respective agendas are key dimensions for a comparative analysis, as they present the substantive element of each individual forum. As previously stated, most of these initiatives include a consultation period on the issues to be addressed at the forum, in order to reflect the interests of the community.

While the issue of *internet infrastructure and the digital divide* – the “digital divide” not just from a material point of view, but also including intangible dimensions of this concept, such as digital literacy – is undoubtedly a key theme which is far from being solved in the region, it is by no means the main topic in most of these forums as one might expect in a developing region. Sometimes these issues are framed more generally under sustainable development and human rights.

Cybersecurity and surveillance and the rights that are affected by these issues have become a common theme in most of these events. The effect of international scandals and attacks on fundamental human rights should not be underestimated. Sometimes these discussions have a grounding in the national context, but in other cases these are topics that set the scene regarding what is expected by a national community in the policy-making process around these issues in a country.

A more recent example that has spread widely among these forums in the last two years is that of issues related to the concept of the “*digital economy*”, which featured prominently in Peru, Panama and Trinidad and Tobago’s IGF events in 2017, as well as in Argentina’s first and second events. This theme highlights opportunities that the countries should seize and challenges they must face in order to reap the benefits of pervasive digitalisation in the different productive sectors.

Lastly, another pattern seen in the agenda of both national IGFs and the global one is related to the meta-governance dimension.¹⁸ It is based on the normative perspective that guides the mechanisms of interaction among the stakeholders, which also implies reflecting on the rules and mechanisms within each initiative. This takes the shape of a special session, such as “Taking Stock”, which assesses the main takeaways of the processes as well as evaluates the challenges lying ahead, which is a vital aspect for their development.

Emerging challenges

Probably one of the most pressing challenges for these initiatives is their impact on the wider policy-making environment, both at the national but also at the international level. While most stakeholders involved in the organisation of these initiatives are aware of the difficulties in tracing a direct linkage between a national IGF and a policy outcome, there is pressure to show results. This is more evident in the case of those forums which are annual once-off activities rather than sustained efforts with regular interactions throughout the year. If there is a perception that these events have no consequence in the policy-making process or in the ecosystem more generally, the incentives for participation tend to decrease. One of the most interesting problems for these initiatives, which was also part of an exercise conducted during

16 Raymond, M., & DeNardis, L. (2015). Multistakeholderism: Anatomy of an Inchoate Global Institution. *International Theory*, 7(3), 572-616. <https://doi.org/10.1017/S1752971915000081>

17 Peters, B. G. (2005). Gobernanza y Burocracia Pública: ¿Nuevas formas de democracia o nuevas formas de control? *Foro Internacional*, XLV(4), 585-598.

18 Peters, B. G. (2010). *Governing in the Shadows*. Berlin: DFG Research Center (SFB) 700; and Kooiman, J. (2004). Gobernar en gobernanza. *Instituciones y Desarrollo*, 16, 171-194.

the global IGF in 2014, is to identify and establish different criteria to evaluate the success of these initiatives.

Another threat facing these initiatives is the continuity and predictability of the work in the near and middle future, as well as the sustainability of intersessional work between annual events. These initiatives rely on voluntary work in most cases and unless there is a formal secretariat – which is usually sustained by either a ccTLD or a local ISOC chapter – the organisation of these initiatives tends to become more difficult. For example, in the case of the Mexican Dialogues on Internet Governance, there has been a mechanism in place for multi-stakeholder work on internet governance issues for nearly five years, but it has only managed to organise two national IGFs.

A major challenge for these projects is to attract new voices and new leaders. There is a risk

of “elitisation”¹⁹ and closure among the groups that participate in these initiatives and which have become more clearly defined as an “epistemic community”, understood as a network of professionals with recognised experience and competence in a certain policy field. This community shares principles, norms and beliefs, notions of validity and causality, as well as policy objectives,²⁰ which promote a closure around the groups. A major indicator that these initiatives tend to be self-referenced is that the same people tend to appear in these programmes. While this is certainly relevant to promote consistency, identity and a common mission, it is also problematic that these initiatives might exclude new perspectives and voices from joining these debates, which could be harmful for innovation, particularly considering the rapid technological progress concerning the internet and the ever-increasing policy implications that it carries.

¹⁹ Chenou, J.-M. (2014). *The Role of Transnational Elites in Shaping the Evolving Field of Internet Governance*. PhD dissertation, Université de Lausanne.

²⁰ Haas, P. M. (1992). Introduction: Epistemic Communities and International Policy Coordination. *International Organization*, 46(1).

What we talk about when we talk about gender

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Introduction

What we talk about when we talk about gender. The title of this chapter is a riff on US novelist Raymond Carver's landmark short story, "What we talk about when we talk about love".¹ It applies to gender and internet governance simply because more than 20 years after this discourse first emerged, there is still not enough clarity on what it's *really* about.

Is it about bringing more women's voices and perspectives into internet governance? Yes, of course. (But it's about much more than that). Is it about bringing more women online or bridging the gender gap in access to information and communications technologies (ICTs)? Yes, of course. (But it's about much more than that). Is it about preventing gendered online abuse, harassment and violence? Yes, of course. (But it's about much more than that too).

And is it only about women? (No. It's about all genders, particularly those on the lower rungs of the Power Ladder).

In this paper, we'll go back and forth, between "time past and time present",² to track "gender" at the Internet Governance Forum (IGF) – and all that it must come to mean at this point of time, if it is, philosophically and practically speaking, to mean anything at all.

Time past: A foot in the door

The question of gendering internet governance surfaced right after the invention of the World Wide Web in 1989. The 1990s was the era of the big United Nations (UN) conferences: Vienna on human rights, Cairo on population, Beijing on women's rights. Beijing – or the Fourth World Conference on Women – was the first to recognise the links between women's empowerment, gender equality and ICTs (as they were then called). Writes researcher Katerina Fialova of those heady beginnings:

Fifteen years ago, a small but determined group of women's rights and media/ICT activists fought to include media and ICTs as one of the 12 critical areas of concern in the fourth UN World Conference on Women Beijing Platform for Action. Remarkably visionary for its time, the text, binding on all governments, called for the universal recognition of the rights of all women to participate in and "have access to expression and decision-making in and through the media and new technologies of communication."³

Enabling women to access the internet is one thing. Enabling women to access the tables at which power sits, where decisions on the internet are made, is another. It's the glass ceiling in governance. As the Beijing Declaration noted:

More women are involved in careers in the communications sector, but few have attained positions at the decision-making level or serve on governing boards and bodies that influence media policy. [...] Women therefore need to be involved in decision-making regarding the development of the new technologies in order to participate fully in their growth and impact.⁴

But how was this to be done in practice? By consciously aiming for gender balance in all decision-making bodies, be they public or private, decision-making or advisory. As Beijing declared, and as a fundamental document on internet governance went on to say a few years later: "Gender balance should be considered a fundamental principle with the aim of achieving an equal representation of women and men at all levels."⁵

Easier said than done. And once again, what about all those who aren't men or women? How were they to be represented? If that was one conceptual barrier, there were others too. To begin with, many in

1 Carver, R. (1981). *What We Talk About When We Talk About Love: Stories*. New York: Knopf.

2 Eliot, T. S. (1943). *Burnt Norton. Four Quartets*. New York: Harcourt.

3 Fialova, K. (2010, 7 October). Looking for gender in the IGF agenda. *GenderIT.org*. <https://www.genderit.org/editorial/looking-gender-igf-agenda>

4 <https://www.un.org/womenwatch/daw/beijing/platform/media.htm>

5 Working Group on Internet Governance. (2005). *Report of the Working Group on Internet Governance*. <https://www.wgig.org/docs/WGIGREPORT.pdf>

the internet governance space couldn't understand why this was even a need. Writes researcher Dafne Plou in the pioneering anthology, *Critically Absent*:

One of the first questions that arises when promoting women's participation in the decision-making of development policies on the internet and communications in cyberspace is, "Why should women be interested in these topics? What does the world of virtual communications have to do with women's rights and needs at present?"⁶

The same question was simultaneously being asked in women's rights spaces. Technology was still too new, too shiny, too distant. It felt alien and unfamiliar, worlds away from grassroots struggles for gender equality. This feeling of tech being a separate silo is still present in women's rights spaces. There's still a disjuncture between "digital lives" (or how we live, use and breathe technology) and "digital rights" (or how we think of our rights in that faraway land). We may be users of the internet, but do we see ourselves as players – or actors – in the spaces in which the internet is created, shaped and developed? That is also the question.

Researcher Anja Kovacs records a charming anecdotal account of this disjuncture, albeit at a later point in time. Writes Kovacs:

In October 2011, I had the privilege of being part of a national consultation on the Indian women's movement and technology. The meeting brought together seasoned feminists – all experts in the broad area of gender, science and technology – from all over the country. But when I asked how many people in the room had heard of "internet governance" and had some sense of what it might mean, only two of the over twenty participants raised their hand. When I then asked how many of them were internet users, everybody burst into laughter: they all were. This short interaction clearly brought out the lack of engagement of the women in the room with internet governance (as well as their good humour in acknowledging this).⁷

Between time past and time present: The women are in the room

Let's go back and forth in time to the IGF, one of the spaces where internet governance is actively gendered. And increasingly queered, as diverse sexual orientations and gender identities enter this space. Set up by the UN, the IGF is a global multistakeholder platform where internet policy issues are discussed.

Dataveillance. Internet shutdowns. Socially relevant algorithms. These are just three of the hot potatoes that will be discussed at IGF 2017 in Geneva. And while what's discussed is not binding, it does shape thinking around these issues. It does influence. It does help decide. Which is what governance is all about.

Almost 30% of the participants at the first IGF (Athens, 2006) were women. It's unlikely there were persons of different gender identities present, and if they were, they weren't counted. The counting started in earnest only in 2011, when APC's Women's Rights Programme introduced the Gender Report Card⁸ into the IGF. The cards – which measure the number of women panellists and moderators and gender mentions per session – are now officially part of the IGF. Every workshop must report against these indicators. The cards have also seeped into the Asia Pacific Regional IGF and the African IGF, where volunteers are recording gender balance at different sessions.

What Table 1 shows is this: women may no longer be critically absent in internet governance, but "gender" is still not enough of a presence. Which almost begs the question: Is representation a meaningful yardstick? Being in the room is, of course, a necessary first step. But as Egyptian activist Yara Sallam wrote after the 2012 IGF: "Formal representation is not the aim, but the substantive inclusion of the expertise of women."⁹ In other words, representation is the *means*, integrating gender perspectives is the *end*. Although given the endless struggle to change "manels" into panels, representation can sometimes feel like an end in itself.

Let's go to IGF 2012 held in Baku, which was the first IGF to host a main session on gender. As @GenderItorg tweeted: "How long does it take to get women's rights issues to main session at the IGF? SEVEN!" But as @nighatdad from Pakistan tweeted: "No woman speaker in opening ceremony of #IGF12

6 Sabanes Plou, D. (2012). Women and ICT policies: The commitment to take on new debates and challenges. In Association for Progressive Communications, *Critically Absent: Women's rights in internet governance*. https://www.genderit.org/sites/default/upload/critically_absent.pdf

7 Kovacs, A. (2012). The Internet, democracy and the feminist movement. In Association for Progressive Communications, *Critically Absent: Women's rights in internet governance*. https://www.genderit.org/sites/default/upload/critically_absent.pdf

8 <https://www.genderit.org/category/tags/gender-report-card>

9 Sallam, Y. (2012, 8 November). Again, representation not reflecting participation. *GenderIT.org*. <https://www.genderit.org/feminist-talk/again-representation-not-reflecting-participation>

TABLE 1.

What do the global IGF gender report cards show?

Year	How many workshops reported	% of women panellists	% of women moderators	Gender mentions in reported sessions
2011	16	46%	Not counted	Gender was the main theme in one session and not seen as relevant for 70% of sessions
2015	107	37%	35%	Gender was a key theme in two workshops and mentioned in 20 workshops

#FAIL.” And as Bosnia’s Valentina Pellizzer said in an interview: “This is the first time there was a main session on gender, but the opening was like going back in time 20 years. The speakers were mainly men, white and over 60, but there were two women, who were both very refreshing.”¹⁰

If representation – or gender balance – is a pathway to bring women into the room, bringing gender into every discussion is a way to place this at the centre of the room. But wait, let’s first look at the room itself. Why is it that mainly women attend any IGF session with a gender tag? As Smita Vanniyar from India wrote in a blog post on IGF 2016, held in Guadalajara: “Whenever and wherever gender is spoken about, it is often seen as a ‘women’s issue’, when in fact that that isn’t the case at all.”¹¹

Now let’s look at what’s inside these rooms. Cybersecurity. Privacy. The right to be forgotten. Internet infrastructure. Are we talking about gender in relation to them? Not really. Are we recognising that there’s no such thing as a “neutral” or “genderless” user, that users come not just in numerous genders, but from different castes, classes, abilities and languages? Only when we’re talking access or online violence. Gender is still in the corner of many rooms at the IGF, politely listened to, but largely ignored. As researcher Avri Doria writes: “[G]ender aspects of issues are not recognised and don’t fit into the general world view of most [...] IGF participants.”¹²

In other words, we remain, poetically and practically, somewhat stuck – between time past and time present. As the poet TS Eliot wrote in the presciently named “The Hollow Men”:

“Between the idea
And the reality
[...]
Falls the Shadow.”

Time future: Where do we go from here?

I started going to the IGF in 2013, when the Forum was held in Bali. As I wrote later:

Gender was there – but with what Fatimi Mernisi, the feminist Moroccan writer who passed away recently, might have called a mild sense of trespass. Somewhat tentative, unsure of her place, emerging in bits and pieces, most vocally in protests around Miss Internet Bali.¹³

In 2014, after attending the IGF in Istanbul, I wrote that “gender spoke louder and in many more places, but had yet to come into her own.” But in 2015, at Joao Pessoa, I felt a quiet sense of satisfaction. Many more women were speakers, moderators, participants. The Dynamic Coalition on Gender and Internet Governance was working on a sexual harassment policy for the forum. Gender was everywhere. As I wrote then about our collective efforts:

Years and years of untiring – and pioneering work – visibly paid off. Critical mass was achieved. Gender came into her own. Not just in dedicated sessions, but here, there, everywhere: in hallways, in side-conversations, in main sessions, in places expected and unexpected.¹⁴

Nowhere was this more in evidence than at the historic session on LGBT rights; historic because it was the first time a full IGF session was dedicated to

10 Randhawa, S. (2012, 22 November). Women at the IGF: Now we need to mainstream gender. *GenderIT.org*. <https://www.genderit.org/node/3710>

11 Smita. (2017, 18 January). Defining their place: Gender at the Internet Governance Forum 2016. *GenderIT.org*. <https://www.genderit.org/feminist-talk/gender-internet-governance-forum-2016>

12 Doria, A. (2012). Internet governance and gender issues. In Association for Progressive Communications, *Critically Absent: Women’s rights in internet governance*. https://www.genderit.org/sites/default/upload/critically_absent.pdf

13 Datta, B. (2015, 21 December). Finding her place: Gender at the 10th IGF. *GenderIT.org*. <https://www.genderit.org/editorial/finding-her-place-gender-10th-igf>

14 Ibid.

LGBT rights. It took 10 IGFs to get here, but so what? “Queer liberation starts by telling our own stories, which we were told are not worthy of telling,” said one speaker. Each story brought new questions into the room, into internet governance: How can we ensure that *all* our stories can be freely told online, including those that are sexual? How do we ensure we have the privacy and anonymity we need to express ourselves online? And how do we ensure that governments don’t conflate our sexual stories and expressions with porn – and ban or block them? As I spoke about these issues, I marvelled at how sexuality had crept in with gender. Trespassing in the nude, Mernissi might have said, fully aware of the irony.

Time in other spaces: Gender in waiting

In the last three years, I’ve also attended the regional IGF in Asia, or APriGF, as it’s called. The regional and national IGFs are much smaller than the global one, and so is gender’s footprint. But they have one big advantage: they’re closer to home, closer to the issues, the people. Where gender is concerned, they have the potential to turn reality on its head, not by *following* the global IGF, but by establishing their own homegrown patterns.

The global IGF has a Dynamic Coalition on Gender and Internet Governance, which focuses (or forces) annual attention to this issue. What’s to stop the regional IGFs from creating their own versions – or national IGFs from proactively leveraging the economies of geography? Imagine a national IGF where it’s not just the usual suspects who are talking about gender – but where bottom-up issues bubble up into the cauldron of governance. Because a much wider range of individuals across the class, ability and gender spectrum – *dalit*,¹⁵ rural, tribal,

disabled – are in the room: forcing attention to rainbow struggles and stories, pounding polite rhetoric with rooted realities.

Imagine an IGF that’s a sea of tongues, a tower of Babel, a *khichdi*¹⁶ of language grammar meaning that also makes sense – to the “governed”. That’s what I think about when I think about gender.

Conclusion

All said and done, the IGFs – global, regional, national – still leave me with a mild sense of unease. I sense shadowy presences outside the conference rooms, waiting to enter, but not quite at home in the techno-babble. Where are trans, disabled and intersex bodies in these spaces? Critically absent. (And how long can we keep asking this question before it shapes itself into an answer?). What does the IGF mean to the poorest woman and her rights, as Anita Gurumurthy searchingly asked in the early days of 2008?¹⁷ (And when will we understand this question to mean much more than access?) And whose internet is it anyway, as the late great Heike Jensen once asked?¹⁸

Ultimately, gender at the IGF is not just about bringing more women into the room. Nor is it about placing gender (devoid of all other identities) at the heart of governance. No. It’s about much, much more. It’s about chipping away at the deeply entrenched power grid underlying internet governance. About dislodging the privilege from where decisions around the internet continue to be made. About widening the picture frame by bringing into it new lives, realities and perspectives.

As the Nobel Prize-winning poet Wislawa Szymborska wrote, in an entirely different context:

“It’s a big meadow. How much grass for each one?”

16 Khichdi is an Indian dish where rice and dal are mixed up, mixed up being the operative meaning. <https://en.wikipedia.org/wiki/Khichdi>

17 Gurumurthy, A. (2008). IGF 2008 - Anita Gurumurthy's intervention at the closing ceremony. *IT for Change*. https://www.itforchange.net/IGF2008_closing

18 Jensen, H. (2013). Whose internet is it anyway? Shaping the internet – feminist voices in governance decision making. In Finlay, A. (Ed.), *Global Information Society Watch 2013: Women's rights, gender and ICTs*. <https://giswatch.org/institutional-overview/womens-rights-gender/whose-internet-it-anyway-shaping-internet-feminist-voice>

15 A member of the lowest caste in India.

Leveraging community networks to remedy exclusions in internet governance

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APC and Pangea

<https://www.apc.org>; www.pangea.org

Introduction

International internet governance spaces such as the global Internet Governance Forum (IGF) are relevant for coordinating global actions, but the governance of the internet comes down to the local scope, where discussions and agreements must become specific and practical: about policies and regulation, about societal needs and planning, about priorities and what comes first, about local telecommunication infrastructures, and about governance itself.

In this edition of GISWatch, several country reports draw attention to the absence of participation by the underserved and unconnected – rural, poor, grassroots, indigenous and other marginalised stakeholders – in the internet governance processes in their countries. Similarly, there is often a lack of consideration of key issues that impact on these communities. Key challenges in involving remote or excluded communities – which can be urban or rural – include raising awareness about the importance of internet governance in those communities, helping them understand the policy spaces and the roles they can play, building their capacity to engage in internet governance deliberations, and financing their participation in national and regional IGFs.

While representative and relevant non-profit organisations can be invited to participate in internet governance processes, and thereby offer excluded communities some indirect representation, the fact is that in general and by their own design, community networks often also have their own forums, oriented to more action (coding, deployments, training) and less discussion (debating and drafting text). Community networks can be credible local stakeholders to include in national and regional deliberations on internet governance, and may even be critical stakeholders to consider, as they are action-oriented. They offer concrete examples

of innovative practice in technical access solutions and governance models, fresh opportunities to reconfigure citizen engagement and illustrate the relationship between internet governance and development. At the same time, renewed interest shown in community networks by donors and civil society organisations across the world – including at the global IGF – means that they are receiving some attention as a collective movement of grassroots access initiatives.

Effective local governance: A lesson from community networks

“Community networks” are networking and computing infrastructures that are critical resource systems to enable grassroots social inclusion and participation. From a locality point of view, these internet infrastructures can involve multiple and quite diverse components and players: for example, licensed mobile networks, fixed-line commercial internet service providers (ISPs), private internet carriers, private open access network operators, internet exchange points (IXPs), public network operators, and content and application service providers of any kind. Digital content and services can develop and thrive on top of these infrastructures.

Community network infrastructures can have public or private ownership with diverse legal forms, and are typically based on cooperative models to create a network that could not have been developed by each contributor in isolation. In fact, diversity and the choice that it brings are important ingredients for their sustainability.

“Communities” that set up community network infrastructures are also diverse, and include indigenous and other cultural communities (see, for example, the report from Canada in this year’s GISWatch), low-income neighbourhoods in urban spaces, topographically isolated towns, and population groups that share a similar interest.

Given their function as public resources and spaces, community networks should be – and ideally are – accessible to all members of society. As open commons these are expressly open for participation by any stakeholder that is willing to

contribute to their sustainability in exchange for the benefits it can extract (connectivity). Participation is not limited to accessing the resource system for consumption or contribution of connectivity, but is also open for participation in the management of the resource system and the definition of its governance rules. Moreover, network infrastructure commons, open or not, are self-organised crowd-sourced structures; therefore, their sustainability depends on and benefits from contributions from all participants.

A common property system (which manages a common-pool resource such as water or fish stocks or coal) is a traditional and recognised governance model for shared resource systems and can also be used to govern community networks. Elinor Ostrom has defined eight principles as prerequisites for sustainable common pool resource management.¹ These include clearly defined boundaries, rules regarding the appropriation and provision of common resources, arrangements around decision making, effective monitoring, sanctions, conflict resolution, and self-determination.

According to their roles and interests, several main groups of participants in community networks can be identified – all of which have a role to play in internet governance discussions:

- The community itself, variously defined.
- Volunteers interested in aspects such as net neutrality, privacy, independence, creativity, innovation, DIY, or protection of consumers' rights.
- Professionals interested in aspects such as demand for connectivity, service supply, and maintenance of the stability of operation.
- Customers interested in network access and service consumption.
- Public administrations interested in managing specific attributions and obligations to regulate the participation of society, the usage of public space, and even in satisfying their own telecommunication needs.

As a general governance principle, preserving a balance among these or other stakeholders is desirable, as every group has natural attributions that should not be delegated or undertaken by any other.

A work in progress: Developing a common conceptual base for action

Given the clear relevance of community networks to internet governance, it is surprising that so little attention has been given to them, whether as a stakeholder – or as a basket of “stakeholders” that have a direct interest in internet governance concerns – or as a thematic issue that requires critical consideration.

The idea for a Dynamic Coalition on Community Connectivity (DC3) emerged during the 2015 global IGF,² and it held its first formal meeting at the 2016 IGF. “Community connectivity” deals with access solutions based on community networks, which are defined by this group as “a subset of crowdsourced networks, structured to be open, free, and neutral. Such networks rely on the active participation of local communities in the design, development, deployment and management of the shared infrastructure as a common resource.”³

During an earlier IGF workshop in 2015, many of the participants found they shared interests and concerns, and realised that a Dynamic Coalition could be a useful way for them to work together after the IGF. The idea was to move the discussion on community networks forward, raise awareness, and further analyse how such networks may be used to foster sustainable internet connectivity while empowering internet users. At the end of 2016 the DC3 began working on a “Declaration on Community Connectivity”,⁴ as a document that would provide a common conceptual base for their work and actions. It continues to be a work in progress.

Linking the global and the local: Implications for national and regional IGFs

The DC3 is a typical example of how Dynamic Coalitions are formed – at the 2015 global IGF a like-minded group of people recognised that they shared the same concerns. During their exchanges, the potential of community networks to be a critical part of the solution for bridging the access divide, while offering the potential for many spinoff benefits resulting from the capacity built in the communities and their increased sense of

1 Ostrom, E. (1990). *Governing the Commons: The evolution of institutions for collective action*. Cambridge University Press. See also: https://en.wikipedia.org/wiki/Common-pool_resource

2 <https://www.intgovforum.org/cms/175-igf-2015/3014-dynamic-coalition-on-community-connectivity-dc3#introduction>

3 Belli, L. (Ed.). (2016). *Community Connectivity: Building the internet from scratch. Annual report of the UN IGF Dynamic Coalition on Community Connectivity*. bibliotecadigital.fgv.br/dspace/handle/10438/17528

4 Ibid.

self-reliance, became clear. Several meetings had earlier taken place at the IGF where it was recognised that critical social, economic, governance, policy and regulation conditions for feasibility and sustainability had to be in place for these access solutions to thrive. Thus it made sense to bring these different stakeholders together to discuss the issues in a more focused forum and learn from each other.

In this respect, the Dynamic Coalition work has been useful for collaboration, sharing experiences and information, and turning that experience into action in other forums and spaces. The publications resulting from the DC3 have also been very useful for raising the issue of community networks and increasing awareness of the networks generally. However, participants have indicated that in order to influence regulation agendas (an area that is very relevant to the members of this Coalition), the dialogue also needs to move beyond the informal spaces of the IGF to more high-profile sessions and to binding spaces such as the International Telecommunication Union (ITU).

As has also been observed by some members, another important issue to address in the future is to encourage more engagement similar to the Dynamic Coalitions to take place at national and regional IGFs. Some participants have noted that the theme of community networks does not yet seem relevant at national IGFs, probably due to a combination of factors, including the novelty of the theme plus a lack of awareness or representation, since the spaces are dominated by more institutional or commercial stakeholders with little interest in these topics. Another factor is the difference in focus among community network activists, who are more oriented to action and less attracted by general policy discussions.

As one observer from DC3 noted:

I think that the current interest in community networks from donors, and other institutions traditionally involved in global IGF processes, is a direct result of the presence of local representatives of community networks being vocal about the benefits of this approach in those events. I would say that the regional perspectives are not consolidated yet, as initiatives to gather regional actors have started only recently, but it is already permeating in some debates as those actors see the value of lobbying at the regional level.⁵

Conclusion

Community networks represent an actual need of communities to find solutions that allow them to connect themselves. These access solutions can be successful as cooperative initiatives, in a way comparable to the success of IXPs. But there is a need for regulation that facilitates the development and sustainability of cooperative initiatives.

It is apparent that national or regional regulation, policy and socioeconomic issues that determine the feasibility and development of community connectivity may need to be shared and discussed in national and regional IGF spaces and processes, as this may be critical for the feasibility and sustainability of community connectivity solutions in each region. Participating in the work of the DC3, or even creating a Dynamic Coalition at the national or regional level, could be a potential way to actually make national or regional themes more relevant at the global IGF. At the same time, community networks themselves should be encouraged to participate in national and regional IGFs as important stakeholders to ensure that the development of community infrastructures consolidates and expands towards universal connectivity.

⁵ The authors would like to thank the members of DC3 for their insights.

Regional reports



Arab Internet Governance Forum (Arab IGF)

MISGUIDING MULTISTAKEHOLDERISM: A NON-GOVERNMENTAL PERSPECTIVE ON THE ARAB IGF

Jessica Dheere and Asser Khattab

SMEX

<https://smex.org>

Introduction

Despite auspicious beginnings, the evolution of the Arab Internet Governance Forum (IGF) over the last six years has left stakeholders around the region deeply skeptical of its future. Not only has the forum had little positive policy impact, but also its commitment to multistakeholderism and other key internet governance principles has been called into question, even by some of its founders. In mid-2016, this sentiment was reflected in an email circulated on a mailing list of internet governance stakeholders in the MENA region. The email bore the subject line “Shall we try to save the Arab IGF?”¹ The author had just heard that there would not be a 2016 forum and wondered whether pressure should be applied to host the event, or “potentially take it over altogether and aiming at hosting a smaller-scale more inclusive Arab IGF.”

Others on the thread – from the academic, civil society and technical communities – responded to the alarm, echoing that a 2016 forum was unlikely and lamenting that the Arab IGF was not keeping pace with other regional forums, such as in Latin America and the Asia-Pacific region, specifically with regard to multistakeholderism. A third respondent suggested hosting an alternative, dialogue-focused multistakeholder event in the absence of a full-fledged forum. Ultimately, the thread closed with a proposal to form a common position so that the group could “speak with one voice on the Arab IGF issue.” While a position was never formalised, the email exchange represents just one of several similarly themed conversations that have taken place in Arab internet governance circles since the end of the forum’s initial four-year mandate, which coincided with the last Arab IGF to date, in December 2015.

Against the backdrop of the so-called Arab Spring in 2011, the depth of the sense of loss and disappointment these conversations expressed can be measured against the heights of enthusiasm felt when the Arab IGF was first launched in Kuwait in 2012. As one of the only regional spaces where people from government, civil society, the private sector, and academic and technical communities could come together on equal ground to discuss, explore and propose internet policy, the forum held great promise. It was viewed by many not just as an opportunity to bring the Arab perspective and culture to global internet governance, but also as a chance to usher in a more open, transparent, participatory model of governance in a region often referenced for its decades-long dictatorships, protracted conflicts, and the repression of human rights.

While some of that promise was realised, questions about the viability of an Arab IGF persist. In our analysis, drawn from primary documents, transcripts, Arab IGF chairpersons’ reports, interviews with key organisers and stakeholders from all sectors, and SMEX’s² participation in the forum and other processes, we propose that the Arab IGF has faltered as a result of its design as a lever to develop a unified Arab internet policy agenda, improvised processes, and divergent views of multistakeholderism, all of which gave governments disproportionate control over the forum.

Then, instead of providing a vent for criticism and an opportunity to address the intrinsic flaws, a two-year, top-down evaluation process has exacerbated the feeling among some stakeholders that the forum may never reflect the key internet governance principles of being open and transparent, inclusive, bottom-up, multistakeholder and non-commercial, which initially drew them to the Arab IGF. With the evaluation process complete and a new Arab IGF Charter on the horizon, many are asking not only

¹ Email to the now-defunct MENA Coalition mailing list received by the authors on 27 July 2016.

² SMEX (<https://smex.org>) is a Lebanese civil society organisation that conducts research and advocacy on digital rights in the Middle East and North Africa. SMEX representatives have participated in three of four Arab IGFs, hosted the 2016 Middle East and Adjoining Countries School of Internet Governance, and also proposed a session to debrief on the Arab IGF at the 2017 global IGF in Geneva.

“What’s next?”, but also whether a regional forum is in fact a means to achieve multistakeholder internet governance in the Arab world.

Policy, economic and political background

The Arab IGF defines the region it serves as the 22 members of the League of Arab States (LAS),³ the region’s primary intergovernmental organisation. These states extend across a band of northern Africa and western Asia, from Morocco to Yemen. More than 400 million people live in the region. Islam is the primary religion, and Arabic is the common language. Despite these shared traits, which can be overemphasised in international contexts where LAS states sometimes act on policy together, local culture and dialects, forms of government, levels and sources of wealth, current political challenges, and tolerance for diversity vary greatly from country to country.

Nonetheless, political and social structures across the region are pervasively patriarchal, and authoritarian and quasi-democratic regimes alike tend to enact and enforce public law and policy that restrict civil and political rights, despite commitments under international law. In many states, these laws and policies are developed with little to no public input. They are often justified by the need to preserve morality, Islam, public order, the reputations of power holders, relations with neighbouring states, and national security. Defamation is a criminal offence in every Arab state, and in many countries, criticism, even when constructive or true, can be considered an insult or false news, and thus, a crime. Actions by authorities that compromise rights are often justified with arguments for security.

With the advent of the internet to the region in the late 1990s and early 2000s and the proliferation of self-publishing and social media in the mid-2000s, Arab technologist-activists began to exploit the internet to expand the civic space available to counter these regimes. Their use of digital networks helped them build movements that led to the 2010-2012 revolutions and uprisings that later became known as the Arab Spring. Before long, this mass organising and expression was muted by governments across the region, which applied both legal and extralegal measures to circumscribe this new digital sphere.

The history of the Arab IGF and how the “marginalisation” of governments neutralised multistakeholder aspirations

Gaining legitimacy through multistakeholderism and the beginnings of the Arab IGF

The birth of the Arab IGF stretches back to the 2003 and 2005 World Summits on the Information Society and the first global IGFs, where an absence of Arab expertise and involvement in the global internet policy debate was noted.⁴ This absence spurred the Economic and Social Commission for Western Asia (ESCWA), one of five regional UN commissions “promoting cooperation and integration between countries in each region of the world,”⁵ to engage the LAS and its member countries to expand their awareness of the internet as a driver of development. Initially, the priorities of this engagement were to advocate for the .arab and برع top-level domains and more Arabic digital content.

To further this engagement, in 2009, ESCWA and the LAS established the Arab Dialogue on Internet Governance (ArabDIG).⁶ An ArabDIG report⁷ published later that year called for active participation by Arab countries, as well as a “unified position for Arab countries”, in the global internet governance debate.⁸

Building on this report, in 2010, the ArabDIG presented a regional roadmap⁹ for internet governance. This roadmap set a three-stage process (conceptualised in Figure 1) for developing a regional approach to internet governance and was meant to serve as a “guideline for decision- and policy-makers in the Arab countries.” Stage 1 was the roadmap. Stage 2 consisted of guidelines for implementation of the roadmap and monitoring progress.¹⁰ Stage 3 anticipated a regional plan of action that would be adapted through the creation of aligned, state-led national action plans.¹¹ The roadmap culminated in a call for Arab stakeholders¹² to join the process. The call also explicitly referred

3 The states are: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Palestine, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen. Since 2011, Syria’s membership has been suspended.

4 ESCWA. (2009). *Internet Governance: Challenges and Opportunities for the ESCWA Member Countries*. <https://www.unescwa.org/publications/internet-governance-challenges-and-opportunities-escwa-member-countries>

5 <https://www.unescwa.org/about-escwa>

6 <https://www.unescwa.org/sub-site/ArabDIG>

7 ESCWA. (2009). Op. cit.

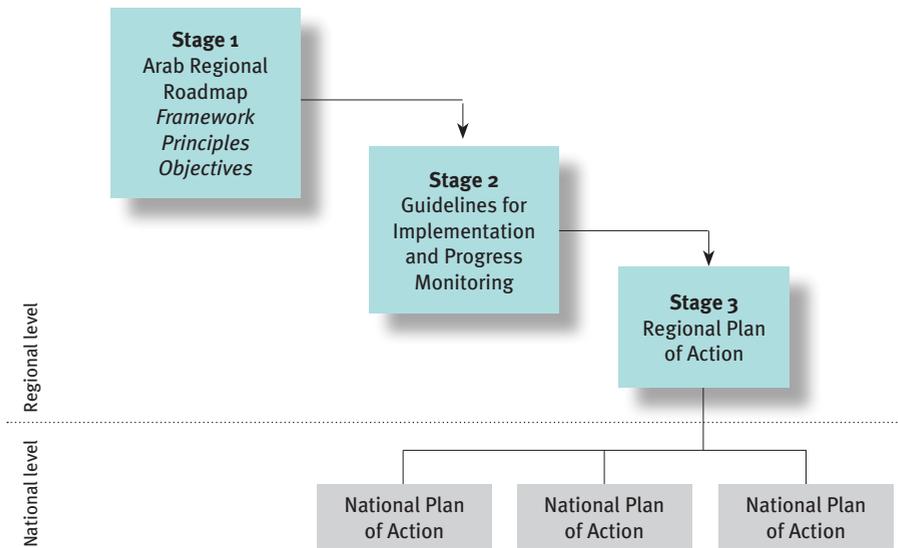
8 Ibid.

9 ESCWA. (2010). *Arab Regional Roadmap for Internet Governance: Framework, Principles and Objectives*. <https://www.unescwa.org/publications/Arab-Regional-Roadmap-Internet-Governance-Framework-Principles-and-Objectives>

10 The six subprogramme areas are institutional empowerment, critical internet resources, access, cultural and linguistic diversity, security and privacy, and openness.

11 ESCWA. (2010). Op. cit.

12 [css.unescwa.org/ictd/1301/16.pdf](https://www.unescwa.org/ictd/1301/16.pdf)

FIGURE 1.**Three-stage process for developing a regional approach**

Source: ESCWA. (2010). *Arab Regional Roadmap for Internet Governance: Framework, Principles and Objectives*. <https://www.unescwa.org/publications/arab-regional-roadmap-internet-governance-framework-principles-and-objectives>

to the intent to establish a “future regional Internet governance mechanism to be implemented in the form of an Arab IGF.”¹³ The Arab IGF was where states could develop a shared vision for internet governance, without which, it was cautioned, they could lose influence in developing internet policy at the international, regional, and even local levels.¹⁴ The roadmap also stated that “Arab countries must ensure that all stakeholders’ needs, including the specific requirements of the region’s varied communities, are taken into consideration in the process of Internet governance.”

In early 2012, ESCWA and the LAS hosted a conference and public consultation in Beirut that laid the groundwork for the initial mandate of the Arab IGF, which was to last until 2015. At the meeting,¹⁵ 68 participants from 14 countries and all stakeholder groups shaped the goals, operational structures, and funding mechanisms for the Arab IGF. The LAS and ESCWA would lead the process (see Figure 2) as a team known as “the umbrella organisations”. The

National Telecommunications Regulatory Authority in Egypt¹⁶ was appointed as secretariat. From 2013 onward, the umbrella organisations and the secretariat together were called the Executive Bureau of Joint Coordination (EBJC). The umbrella organisations, and later the EBJC, would choose the host country and the members and chairs of the Arab Multistakeholder Advisory Group (AMAG), which like the global-level MAG was tasked with creating the forums’ programmes through a session proposal and review process.

Like the roadmap, the Beirut consultation highlighted the need for a multistakeholder approach, citing “that a multi-stakeholder, bottom-up approach had been used for the past 15 years in the establishment of internet management organizations in the Arab region and Africa.”¹⁷ Discussions also touched on a “participatory model for community involvement in policy making” and the idea of “the citizen becom[ing] a citizen of Internet,” an idea that had gained currency, particularly in internet-savvy communities, during the Arab Spring.

The meeting culminated in “an outcome letter which outlined the Arab IGF process as a

¹³ ESCWA. (2009). Op. cit.

¹⁴ Ibid.

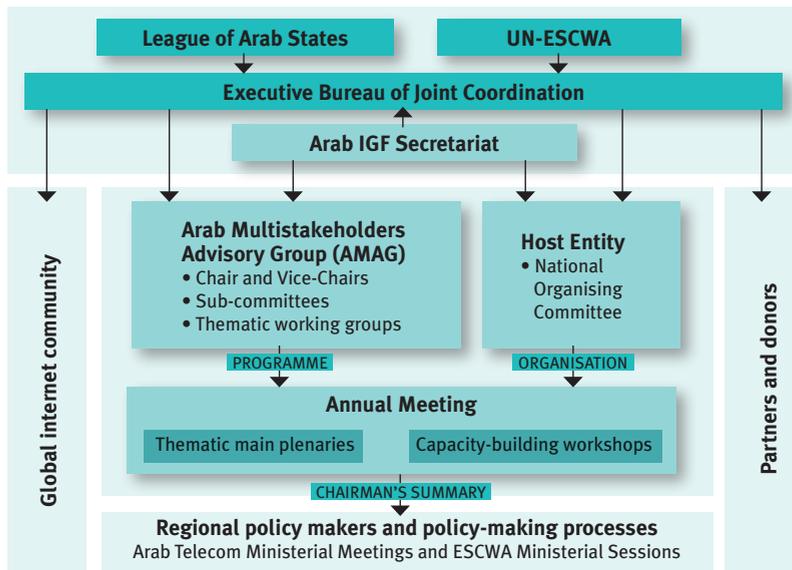
¹⁵ ESCWA. (2012). Conference and Public Consultations to Establish the Arab Internet Governance Forum. <https://www.unescwa.org/events/conference-and-public-consultations-establish-arab-internet-governance-forum>

¹⁶ www.tra.gov.eg/en

¹⁷ ESCWA. (2012). Op. cit.

FIGURE 2.

Organisational structure of the Arab IGF



Source: <https://www.unescwa.org/sub-site/ArabDIG>

decentralized platform for inclusive policy consultations that includes all stakeholders.”¹⁸ The letter was endorsed the next day by the Executive Bureau of the Arab Telecommunications and Information Council of Ministers at the LAS. Further, the LAS “commended the initiative [...] and called upon Arab countries to actively participate in the process.”¹⁹ The Arab IGF was born.

Thus far, every step of the process had in some way addressed the need for input from diverse stakeholders, signalling that there would be a commitment to multistakeholderism in the Arab internet governance process. Multistakeholderism, which says that all interested sectors can have not only equal representation but an equal voice, is the foundation of internet governance. Governments must have understood that it was the key to a global process which they wanted to join and influence. Further, if the governments had not expressed such a commitment at the outset, it is hard to imagine that the forum would have gained the needed traction among other sectors. Still, it was notable to have secured such a commitment to stakeholder diversity and input from governments in the region.

Even Saudi Arabia, which categorically rejects the principle of multistakeholderism, did not oppose moving forward.²⁰ Other governments went along, confident that with ESCWA and the LAS at the helm, they would be consulted on the “need and nature”²¹ of the forum as it evolved.

Government worries would have also been allayed by the fact that, unlike the global IGF, the Arab IGF was not conceived simply as a “new forum for multistakeholder policy dialogue” but rather as a tool “to operationalise the Arab internet governance roadmap,”²² which had governments’ support and called for a shared vision of internet governance in the Arab region. At the Beirut consultation, for instance, “[p]articipants emphasized the need for Governments to reach a common position on issues at the international level, especially considering the responsibilities at the national level.”²³

The subordination of the Arab IGF within a broader, government-centred process impeded it from realising its potential as a multistakeholder space. Its association with the roadmap as a space

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Interview with ESCWA Chief of ICT Policies Section Ayman El Sherbiny, 4 October 2017.

²¹ Ibid.

²² Interview with Ayman El Sherbiny; ESCWA. (2012). Op. cit.

²³ ESCWA. (2012). Op. cit. p. 11

for achieving consensus on the direction of internet policy enabled governments to assert control over its design, implementation and outcomes. The Beirut meeting reinforced this sense of prerogative. For instance, 49 of the meeting's 68 participants were from governments and the umbrella organisations.²⁴

Even more striking was the makeup of the core organising team establishing the Arab IGF, the intergovernmental bodies ESCWA and the LAS, which in the words of one stakeholder "are rather tied up with connections to governments, making it the single most dominant stakeholder to appease."²⁵ Current IGF guidelines strongly recommend that the core organising team consist of representatives from "at least three different stakeholder groups, with a goal to move to inclusion of all stakeholder groups over time (civil society, government, private sector, technical community)."²⁶ The meeting also recommended "mandating that the secretariat work through the Information and Communication Technologies departments in the Governments of Arab countries."²⁷

While in retrospect the disproportionate influence of governments may seem clear, at the time, the development of the Arab IGF raised the exciting prospect of a participatory dialogue on internet governance in a region that seemed to be re-making itself through the internet. Participants in the process cited the impact of internet governance on all aspects of life and "emphasized public engagement in formulating Internet policies" and "effective methods for engaging the public, youth and women in the Arab IGF initiative."²⁸ In addition, there was an understanding among many stakeholders that government participation was not just desirable but essential to the success of the forum.²⁹ As a result, the Arab IGF process had strong support from the emerging internet governance community, who began to mobilise to launch the first edition in Kuwait later that year.

From Kuwait to Algiers

More than 300 people attended the inaugural meeting of the Arab IGF in Kuwait in October 2012.³⁰ The forum, which was hosted by the Kuwait Information Technology Society (KITS)³¹ with the "blessing"³² of the Kuwaiti government, addressed issues of access and content, youth, openness, privacy and security, and critical internet resources.³³ In a session about the event at the 2012 global IGF in Baku, Azerbaijan,³⁴ panellists described the meeting as having generally exceeded expectations in terms of numbers of attendees and sessions proposed, as well as the diversity of stakeholders, transparency, and openness to fostering discussion. Civil society panellist Hanane Boujeimi called the event "quite fruitful", noting that it provided "a lot of room to initiate discussions" on freedom of expression and access to information, for example.³⁵

Still, there was room for improvement. Boujeimi highlighted that there was only "a little bit of representation from civil society." (Stakeholder breakdowns were not published in the chairperson's report.)³⁶ Christine Arida, a representative from Egypt's National Telecommunications Regulatory Agency, expanded on this point, calling for more awareness raising among youth and civil society actors who are "users of the internet" and not necessarily part of the "classical internet community".³⁷ The session also highlighted the need for capacity building on internet governance among all stakeholders and mechanisms for mutual exchange on internet policy between the Arab IGF and global IGF.

Five years later, stakeholders from all sectors continue to remember the Kuwait meeting as well organised, multistakeholder, and reflecting acceptable levels of transparency, openness and inclusion.³⁸ Despite the auspicious start in Kuwait, however, the commitment to multistakeholderism and other key IGF principles seemed to recede at the October 2013 forum in Algiers.³⁹

24 Two of the four civil society representatives were from the Arab Administrative Development Organization (<https://www.arado.org>), a "specialised organisation affiliated with the League of Arab States." SMEX was invited to this meeting, but did not attend.

25 Email exchange with Senior Lecturer at Södertörn University and ISOC Trustee Walid Al-Saqqaf, 15 September 2017.

26 IGF Secretariat in Collaboration with the IGF Initiatives. (2017). *IGF Initiatives: A toolkit to assist communities in establishing the IGF initiatives*. <https://www.intgovforum.org/multilingual/content/nris-toolkit-how-to-start-your-igf-initiative>

27 ESCWA. (2012). Op. cit.

28 ESCWA. (2012). Op. cit.

29 Interview with technical sector stakeholder and member of the Technical Cooperation Working Group Chafic Chayya, 22 September 2017.

30 <https://www.unescwa.org/sub-site/ArabDIG/2012-2015>

31 www.kits.org.kw

32 El Sherbiny.

33 Arab IGF. (2012). *Chairman's Report*. <https://www.intgovforum.org/cms/2013/Arab%20IGF%20Chairman%20Report.pdf>

34 friendsoftheigf.org/session/347

35 Ibid.

36 Arab IGF. (2012). Op. cit.

37 friendsoftheigf.org/session/347

38 Interview with ICANN Stakeholder Engagement Coordinator of the Middle East Fahd Batayneh, 19 September 2017; email exchange with Walid Al-Saqqaf; interview with Middle East Regional Director for the Internet Society Salam Yamout, 21 September 2017.

39 Ibid.

The Algerian government pulled out all the stops to host the event, even refurbishing the long-disused Palais des Nations for the forum. But several stakeholders remarked that Algeria was a curious choice. Internet penetration in Algeria was estimated at just 16.5% in 2013,⁴⁰ but more important, the regime was known to monitor “the activities of political and human rights activists on social media sites such as Facebook,” where one critical post could lead to arrest.⁴¹ As the event neared, the preparation and hosting of the forum drew criticism from stakeholders in several sectors, as it became clear that the Algerian government had influenced the forum programme, “even going so far as to object to specific discussion topics and veto particular speakers.”^{42, 43}

Despite these reservations, the forum attracted an impressive 800 participants from 30 countries, 18 of them in the Arab region.⁴⁴ The attendees included five Arab ministers of telecommunications⁴⁵ and other high-level government officials. Nonetheless, the departure from the Kuwait forum was clear. “The Algerian government was, more or less, the star of the show – running and hosting the conference, taking part in every discussion with well-defined messaging, and guiding the general feel of the forum,”⁴⁶ wrote a Tunisian civil society participant soon after the forum. She also noted the “stark absence of local representation” among civil society and youth,⁴⁷ though the private sector was well represented and the event “fostered good discussion, particularly in the realm of Internet freedoms and absent infrastructure.” Stakeholder breakdowns were not published in the Algiers chairperson’s report.

Several observers also expressed concerns about the high levels of surveillance of the forum and its participants⁴⁸ as well as apparently choreo-

graphed interventions by Algerians in the audience that reinforced the government’s paternalistic approach to internet policy – “A state should monitor its citizens because it protects them the way that parents do their children,” was one such refrain.⁴⁹ In addition, representatives of the Algerian government complained about activists calling out ministers and countries by name, challenging their human rights records.⁵⁰ According to several accounts, one Algerian woman was escorted out of a session after asking a question directly to an Algerian public official.⁵¹

In the wake of these eruptions, an LAS representative suggested that there should be a code of ethics to govern how Arab IGF participants can speak to panellists at the forum.⁵² Then, on the third day, a security officer stood in front of SMEX executive director Mohamad Najem in an attempt to prevent him from being videotaped or photographed as he read an open letter from civil society.⁵³

In Algiers, the tensions between the idea of multistakeholderism and its implementation began to metastasise.⁵⁴ Up until Algiers, “there was initially a sense of optimism that the different stakeholders could have an equal level of influence in setting the agenda.”⁵⁵ With this forum, that hope started to recede. A line began to emerge between governments and other stakeholders, creating a kind of binary stakeholderism.

Compounding the problem, in the two succeeding forums, government participation declined. They complained of being “marginalised”⁵⁶ with 20% to 25% of attendees – which would constitute full representation among four or five stakeholder groups – while the proportion of non-governmental participants was between 70% and 75%.⁵⁷ Yet even as the two succeeding forums in Lebanon – often considered the region’s freest country – provided more space for non-governmental stakeholders to advance their issues and confront public officials,⁵⁸

40 www.internetworldstats.com/af/dz.htm

41 U.S. Department of State. (2014). *Algeria 2014 Human Rights Report*. <https://www.state.gov/documents/organization/236804.pdf>

42 El Dahshan, M. (2013, 20 November). Arab Netizens Pay a Visit to Algeria’s Police State. *Foreign Policy*. foreignpolicy.com/2013/11/20/arab-netizens-pay-a-visit-to-algerias-police-state/

43 El Sherbiny.

44 Arab IGF. (2013). *Chairman’s Report*. www.igfarab.org/EnCurrentMeetings.jsp?meeting_ID=3

45 Ibid.

46 Ben Hassine, W. (2013, 25 October). Second Arab Internet Governance Forum - Lack of Stakeholder Participation a Priority to be Remedied. *SMEX*. <https://smex.org/second-arab-internet-governance-forum-lack-of-stakeholder-participation-a-priority-to-be-remedied/>; Al Saqqaf; Batayneh; Yamout.

47 Interview with Access Now MENA Policy Analyst Wafa Ben Hassine, 15 September 2017.

48 Batayneh.

49 Ibid.

50 El Sherbiny.

51 Al-Saqqaf.

52 El Sherbiny.

53 Entry in a shared, private diary between Algeria Arab IGF participants.

54 Al-Saqqaf; Batayneh; Ben Hassine; Yamout.

55 Al-Saqqaf.

56 El Sherbiny.

57 Ibid.

58 Civil society representatives organised at least three workshops that approached internet governance from a rights-based perspective, including: “Between Protecting Rights of Access and Openness Online and Combating Extremism”; “The Continuous Attacks on Online Activism by Various Governments in the Region”; and “Digital Citizens and Digital States: Protecting Civil and Political Rights and Responsibilities in [sic] Internet Age”.

the participation from governments declined. The early optimism about the forum had been significantly, perhaps irreparably, compromised.

Ad hoc processes

While the 2012 Beirut consultation broadly defined the structure of the forum and the roles and relationships between the umbrella organisations, the secretariat, the AMAG and the host, the finer details about how the forum would be run were largely improvised on an as-needed basis.⁵⁹ ESCWA wanted to base the terms of reference for hosts, for example, on those developed for the international IGF, but learned that these terms were confidential, or “black box”.⁶⁰ The umbrella organisations wanted to adopt “a more transparent approach” and developed the following process: They asked entities interested in hosting the forum to submit an expression of interest, after which they would receive a full terms of reference and could submit a complete application. Then applications would be considered by the umbrella organisations based on a number of criteria, including the ability to provide security since it was a UN event. The selection process, however, was not as rigorously guided.

For example, for the 2013 forum, applications to host were received from four applicants: Lebanon, Algeria, one from the Moroccan government, and one from Moroccan civil society. The umbrella organisations recruited a subgroup of the AMAG to choose the host country. The subgroup did not include citizens of the countries in contention. A meeting was held to select the host, but in the end a decision did not have to be made. First, Lebanon withdrew on the pretext that the first forum was held in the eastern part of the region, so it was North Africa’s turn. Next, the Moroccan civil society organisation deferred to its government, and pledged to work with it if it was chosen. This left Morocco and Algeria in contention. Ultimately, the Moroccan government declined the opportunity in favour of Algeria, precisely because Algeria did not have the requisite experience, so it would be a way to introduce internet governance to “a closed country with an open-minded minister of posts and telecommunications.”⁶¹

Recruitment processes and the terms of reference for the AMAG were also improvised, and determined by the umbrella organisations on an ad hoc basis. Stakeholders mentioned a lack of transparency in selecting members and a lack of clarity

with regard to “what the duties and responsibilities were.”⁶² For instance, the chairperson of the AMAG was the same for the first two years; in successive years, the chair was still appointed by the umbrella organisations, even after a “secret ballot” process was held asking for input.⁶³

To some degree, the disagreements at the Algiers forum and later criticism can be traced to such ad hoc processes, which allowed for very little accountability to the wider multistakeholder community. The Algiers forum had left everyone dissatisfied. Civil society felt muted, while the LAS and its member governments asserted that, as hosts of the forum, they should have influence over the programme.

Going forward, the umbrella organisations tried to bridge this growing divide by rewriting the terms of reference for both the host countries and the AMAG to balance influence between them and to avoid future conflict. While the AMAG would be responsible for the forum programme, host countries would be able to appoint the session chairs. To avoid a repeat of the Algerian situation, the chair of the AMAG could not be from the host country government.⁶⁴

The clarification of the terms of reference helped set clearer expectations. Still, the processes by which hosts and AMAG chairs and members were selected remained ad hoc, in the hands of the government-dominated EBJC, not always merit-based, and less than transparent, making it difficult for stakeholders on the outside to gauge whether they adhered to the key IGF principles.

The host selection process for the next two forums was further complicated by the receipt of fewer applications. This was partially the result of the tensions created in Algiers and partially because of two other information technology meetings that would take place that year: the World Congress on Information Technology (WCIT) in Dubai⁶⁵ and the International Telecommunication Union (ITU) Plenipotentiary in Busan.⁶⁶

The cost to host the forum may have also been a factor, given the estimated USD 500,000 to USD 800,000 price tag.⁶⁷ By mid-year, there was no willing host and some people recommended cancelling the 2014 forum.⁶⁸ Instead, ESCWA, after consulting the AMAG and reluctant to “break the enthusiasm

62 Yamout; Al Saqqaf.

63 El Sherbiny.

64 El Sherbiny.

65 <https://www.itu.int/en/wcit-12/>

66 <https://www.itu.int/en/plenipotentiary/2014>

67 El Sherbiny.

68 Ibid.

59 El Sherbiny.

60 Ibid.

61 Ibid.

and the stamina” for the Arab IGF, scrambled to establish a financial mechanism to support the forum⁶⁹ and began fundraising on day zero of the sixth IGF annual meeting in Istanbul, less than three months before the planned November event.⁷⁰ Thus, ESCWA became the official host of the third Arab IGF in Beirut.⁷¹

Ogero, Lebanon’s state-run telecom operator, contributed to the supporting fund as a strategic partner, but because the chair of the AMAG was president of the Lebanese Telecom Regulatory Authority, under the new terms of reference, Lebanon could not be the official host.

Despite the uncertainty and unorthodox preparations leading up to the first Beirut forum, the voice of civil society was amplified, owing to both the relative openness of Lebanon with regard to civil liberties as well as the presence of internet rights defenders on the AMAG. In addition, groups of local, regional and international civil society organisations⁷² worked together to stage several side events before and during the forum. One group of more than 40 “civil society organizations, activists, academics, technologists, and human rights advocates who work towards the realization of an open, accessible, and safe Internet” jointly developed a civil society statement⁷³ that was read at the closing session of the IGF, this time without interference. The statement discussed the plight of freedom of expression and detainees in the region, enumerated threats to online privacy, asserted access to the internet as a human right, and demanded access to information.

The third forum drew 530 attendees from 20 Arab countries, about one-third less than at the Algiers forum. Stakeholder participation was reported as 33% government, 20% civil society, 18% private sector, 13% tech community and academia, 8% international and regional organisations and 8% other.⁷⁴ There was still significant room for improvement in inclusivity, however, with gender distribution reported by one attendee at 72% men, 28% women.⁷⁵ Of 17 speakers on the first-day ple-

naries, she counted only one woman and “not a single civil society speaker.”

By mid-2015, there were no offers to host the final forum of the initial mandate, a sharp turnaround from two years earlier when governments were clamouring for the opportunity.⁷⁶ In addition, international internet governance organisations, including the Internet Society (ISOC),⁷⁷ Réseaux IP Européens Network Coordination Centre (RIPE-NC-C)⁷⁸ and Internet Corporation for Assigned Names and Numbers (ICANN),⁷⁹ which had helped fund the forum in earlier years, had also begun to distance themselves, on the basis that the Arab IGF was not adhering to the basic principles of internet governance and was not moving in the right direction. Ultimately, in the absence of any other willing applicants, the Lebanese Ministry of Telecommunications hosted the 2015 forum.⁸⁰

Impact and evaluation of the original mandate

The 2015 Arab IGF in Beirut was the last forum covered by the initiative’s original 2012-2015 mandate and the final forum to date. The chairman’s report counted 720 attendees from 28 countries, of whom 27% were from the public sector, 21% from civil society, 6% from academia, and 23% from the private sector.^{81, 82} Nevertheless, said one attendee, civil society representatives “had little presence in the main sessions.”⁸³ Instead, as observed the year before, “[t]he plenaries were mostly composed by government and internet providers’ representatives, whose concerns – cybersecurity, financial issues – dominated the programme.” She also lamented the “all-male panels”, but noted that the issue was addressed by many people both on-site and online, and that “very little attention was paid to rights in general, and to gender rights in particular.”⁸⁴

Before the forum closed, ESCWA and the LAS announced the launch of AIGF2020, an initiative to evaluate the four IGFs that also halted further Arab IGF events until the stock-taking process was complete.⁸⁵ According to the announcement, AIGF2020 “aims to analyse and develop the Arab IGF process

69 Ibid.

70 Ibid.

71 Arab IGF. (2015). *Chairman’s Report*. www.igfarab.org/En/ArabiGF2015.jsp

72 Among them SMEX, 7iber.com, Association for Progressive Communications, Web We Want, Electronic Frontier Foundation and Global Voices Advocacy.

73 <https://smex.org/statement-from-participants-of-arabifg>

74 Arab IGF. (2014). *Chairman’s Report*. www.igfarab.org/En/ArabiGF2014

75 Ben Youssef, D. (2014, 3 December). Arab IGF III: What we will remember. *Nawaat*. <https://nawaat.org/portail/2014/12/03/arab-igf-iii-what-we-will-remember/>

76 El Sherbiny.

77 Yamout.

78 Chayya.

79 Batayneh.

80 Sherbiny.

81 Arab IGF. (2015). Op. cit.

82 Email from ESCWA research assistant at the ICT Policies Section Zahr bou Ghanem, 5 October 2017.

83 Nachawati Rego, L. (2015, 22 December). The best and worst of the Arab IGF 2015. *APC*. <https://www.apc.org/en/blog/best-and-worst-arab-igf-2015>

84 Ibid.

85 Ibid.

in its second mandate that could extend until 2020.”⁸⁶ The initiative was also billed as a response to stakeholder concerns, among them that the forum was not adequately multistakeholder-driven. The review process was cited as “in line with global IGF practice.”⁸⁷

A representative of Ogero explained the rationale for the pause by saying that “the two umbrella organizations decided not to hold any annual meeting until they have put an end to all the issues people were criticizing. Many had said that the Arab IGF had veered off its course, so the year 2016 was dedicated to correct this path.”⁸⁸ Specifically, the AIGF2020 goals were to:

- Analyse the achievements of the first mandate of the Arab IGF process (2012-2015) with regard to the targets of the 2010 Roadmap on Internet Governance.
- Assess the impact of the Arab IGF on internet governance policies in the Arab region.
- Discuss challenges that faced the first mandate.
- Propose enhancements for developing the second version of the Arab internet governance roadmap as well as the second mandate of the Arab IGF, to be geared towards implementation of the Sustainable Development Goals (SDGs).⁸⁹

To many stakeholders, however, the evaluation process repeated the forum’s missteps, reinforcing prevailing perceptions of the disproportionate influence of government stakeholders, a commitment to multistakeholderism in name only, and a lack of transparency perpetuated by ad hoc decision making that ultimately prevented broader participation and accountability.

Several long-time stakeholders expressed reservations about the means by which the working group tasked with evaluating the Arab IGF process was formed. The AIGF2020 provided for the creation of an expert, multistakeholder Technical Cooperation Working Group (TCWG).⁹⁰ Members of this group would consist of internet governance experts identified by Arab governments and “other stakeholders from the broader Arab internet governance community.”⁹¹ That is, the members would

be recommended by governments and appointed by the intergovernmental ESCWA and LAS. Further, it established that “the umbrella organizations will lead all the activities of the [AIGF2020] initiative,” including:

- Forming the TCWG and calling for its meeting.
- Securing a virtual platform for internal working group communications that includes links to previous forum websites and hosting parties, “to increase collaboration and discussion” among the stakeholders.
- Welcoming any collaboration with sponsors who would like to help and assist the initiative.⁹²

Not only would ESCWA and the LAS control the selection of the members of the working group, but the TCWG meetings and their intersessional communications would be inaccessible to the vast majority of the Arab internet governance stakeholders. Such a process directly contravenes at least three of the five key IGF principles: being open and transparent, inclusive, and bottom-up. In addition, it ignores the global IGF guidance that “decisions are reached based on public consultations with different stakeholders and community members.”

Of the 25 people appointed to the working group, 17 were government representatives, some of whom had never participated in an Arab IGF. Two were from the private sector, two were from international internet organisations (ICANN and RIPE-NCC), three were from universities, and two were from civil society, including one from the international NGO Hivos and one from an NGO that has no visible track record in internet governance. In addition, two co-chairs were appointed, one from the Kuwaiti government and one from ESCWA.

Among its activities, the TCWG drafted and distributed a survey to assess the impact of the Arab IGF and collect suggestions for the forum’s improvement.⁹³ On 7 October 2016, the “Survey on the Arab IGF: Impact Assessment and Future Scenarios”⁹⁴ was sent from ESCWA-ArabIGF@un.org to a mailing list of more than 1,000 recipients. The online survey consisted of more than 100 questions and was open between 6 October and 18 November 2016.

Stakeholders generally welcomed the survey initiative, but expressed concerns that the

86 ESCWA-LAS. (2015). Developing the Arab IGF 2020 Initiative. Announcement by ESCWA and LAS. www.unescwa.org/sites/www.unescwa.org/files/uploads/announcement_aigf2020_escwa_las_initiative_v2_final.pdf

87 Ibid.

88 Interview with Ogero Chief of International Cooperation Zeina bou Harb, 22 September 2017.

89 Ibid.

90 Ibid.

91 Ibid.

92 Ibid.

93 <https://www.unescwa.org/sub-site/ArabDIG>; and TCWG. (2017). *Report of the Technical Cooperation Working Group for the Development of the Arab IGF: Towards a New Charter*. https://www.unescwa.org/files/u533/aigf2020_tcwg_report_ar.pdf

94 <https://www.unescwa.org/sub-site/ArabDIG/2016-2017>

methodology made it difficult to get “useful data”.⁹⁵ For one thing, the survey had been based on the monitoring and evaluation framework from the 2010 internet governance roadmap. As such, the questions were designed to measure not so much the success of the forum as a multistakeholder space, as its success as a tool to operationalise the Arab internet governance roadmap. Respondents noted that about half the questions were “optional and open-ended” while others did not have all the possible exhaustive answers (in multiple choice format) one would normally expect.⁹⁶ Further, although it was developed in English, the survey was distributed only in Arabic, despite significant participation by non-Arabic-speaking stakeholders throughout the mandate. During the survey period, ESCWA also hosted an online webinar that introduced the AIGF2020 initiative, gave instructions on how to complete the survey, and provided 1.5 hours during which stakeholders could submit questions and comments to the working group.⁹⁷

In March 2017, the survey results, and related recommendations, were shared via email from ESCWA-ArabIGF@un.org with a link to a 32-page report and posted to the ArabDIG website.⁹⁸ Among the 217 respondents, 37% indicated that they had never participated in the Arab IGF, 32% said they participated only once, and half indicated that they did not read the forum’s reports.⁹⁹ The results were published in Arabic only. Four people interviewed for this report, all of whom completed the survey, said that they did not receive the results, thinking that they had not been published. After the results came out, ESCWA hosted a second webinar to gather feedback on the results from the wider stakeholder community.

The recommendations of the TCWG were organised into six categories: 1) overall recommendations, 2) objectives, 3) structure, 4) financing, 5) content and outcomes, and 6) communications strategies, media and outreach.¹⁰⁰ Overall, the recommendations echoed many of the suggestions heard previously. Many of them focused squarely on process, encouraging more active participation by governments, allowing more space for diverse

opinions, seeking more balance in the participation of stakeholders, increasing accountability and transparency in the work of the forum, and formally sending recommendations from the forum to Arab governments and tracking their implementation. Some recommendations dealt with content and capacity building, urging the forum to connect its mission to sustainable development, conduct research, and support capacity building. One recommendation also encouraged the creation of national IGFs. Others were purely logistical in nature, such as continuing to provide remote participation and speeding up visa processes.

In addition to developing and distributing the survey, the TCWG also considered suggestions to improve the governance of the Arab IGF. One such suggestion was to change the composition of the core organising team of the Arab IGF – the umbrella organisations – which now consists of two representatives each from ESCWA and the LAS. The proposal was to make it include one member from each of the two umbrella organisations; one member each from the secretariat, AMAG and host; and one member each from the government, private sector, civil society, and technical stakeholder groups for a total of nine. Although this composition would still have given intergovernmental agencies and governments more than 50% control of the EBC, the proposal was rejected. Other attempts to make the executive bureau more inclusive also failed.¹⁰¹

A technical community member of the TCWG said: “We should try to compromise. No-one said that the umbrella organisations or the governments should be left out of the equation, but other sectors need to be involved in the executive process, and I personally don’t mind the upper hand being for the government representatives, because the Arab world has its nature, we just want true inclusion of all stakeholders.”¹⁰²

In May 2017, the TCWG presented their findings and recommendations at a meeting at ESCWA in Beirut to develop a new charter for the Arab IGF, which is still under review by the LAS.¹⁰³ The outcomes of this meeting have not yet been made public. After the TCWG concluded its activities, the umbrella organisations invited members to form another working group to consult on a version 2.0 of the roadmap for internet governance. This working group was not announced, no new members were recruited, and not all members stayed, “because some of the people who believe in the forum do not believe in the

95 Batayneh.

96 Al-Saqqaf.

97 Email from ESCWA-ArabIGF@un.org, 28 February 2017.

98 Several people interviewed for this report, all of whom were aware of the survey, said that they did not receive the results, thinking that they had not been published. They were sent via email and are available in the TCWG report on the ArabDIG page on ESCWA’s website. <https://www.unescwa.org/sub-site/ArabDIG>

99 TCWG. (2017). Op. cit.

100 ESCWA. (2016) Op. cit.

101 Ibid.

102 Chayya.

103 Bou Ghanem.

roadmap,”¹⁰⁴ again calling into question the use of the forum as a tool to achieve a larger agenda.

Meanwhile, on 13-14 December, again at ESCWA in Beirut, members of the second working group will meet to discuss a new proposed roadmap on Arab internet governance and how the Arab IGF will fit in. Then, the new charter for the Arab IGF and the new proposed roadmap together will be presented for approval by government ministers at an upcoming meeting of the LAS. In the interim, the rest of the Arab internet governance community waits to see what will be decided for them.

Regional reflection

The Arab IGF has been connected to other IGF National and Regional Initiatives (NRIs) since its formation. At the Beirut consultation in 2012, former Egyptian ICT minister Tarek Kamel invoked the 15-year history of the African IGF as a successful example of a multistakeholder institution. Similarly, in the email that launched this inquiry, comparisons were made to regional IGFs in Latin America and the Asia-Pacific region, lamenting that the Arab IGF might be falling behind its peers. According to former AMAG member Wafa Ben Hassine, in the absence of an Arab IGF, “many people have decided to leave for the Africa IGF,” further weakening the Arab forum. Still, she says, “the experiences of those who participated in the Arab IGFs have encouraged them to start working on national NRIs in their countries.” Ben Hassine is now the vice president of the newly formed Tunisian IGF, which at the time of writing had planned its first forum in late October.

Lebanon is following a similar path. A national IGF process was formally launched in September with the convening of a multistakeholder programme group and the naming of a tentative secretariat. Already, however, some stakeholders are questioning why the secretariat consists only of representatives from the Ministry of Telecommunications. A bid by a civil society organisation for a place as co-secretariat was deflected on the basis that it would make coordination too difficult.¹⁰⁵

Finally, global internet governance stakeholders must also take care to model IGF principles at all levels. At several points, organisers of the Arab IGF referenced “black box” processes at the international level that hindered their progress in developing transparent systems. Global IGF actors also should take care to allot space for the multidimensional

reflection of NRIs at the international forum. At a June 2017 MAG meeting in Geneva, a wild-card proposal¹⁰⁶ to discuss and envision a future for the Arab IGF submitted by SMEX was inaccurately portrayed as only “criticism” and irrelevant to global internet governance by a MAG member who was also a member of the 2015 Arab IGF host team. The proposal was finally rejected as an “internal issue”, despite the fact that sessions focused on the Arab region had made the programme at the global IGFs in Istanbul and Baku, where the exclusive topic of both sessions was the success of the first Arab IGF. If the global IGF can allot space to share praise, it must also make space to consider criticisms, especially in the absence of any other relevant forum.

Conclusion

Despite significant criticism and broad agreement that the Arab IGF did not yield any significant policy impact, to even some of its most vocal critics it was “less a failure, than a successful first attempt.”¹⁰⁷ The forum succeeded in bringing people together from across the region to discuss the inner workings, as well as the potential and the pitfalls, of the internet. Also, “it proved that the Arab world has many people with interest and expertise in areas related to internet governance,” and even if it was not always multi-stakeholder, it did encourage people to embrace the concept of “multistakeholderism”, and drove many stakeholders’ initial enthusiasm and support.

As the forum evolved, though, it became clear that its design as a tool to develop a states-led regional internet policy agenda would threaten to undermine its multistakeholder aspirations and its potential for impact. In particular, disproportionate representation of governments on the core organising team and a need for government control contributed to improvised management of the forum. A lack of transparency in key processes alienated many stakeholders once committed to the forum. In turn, a desire for equal representation among non-governmental stakeholders made governments feel “marginalised.” Finally, the opportunity for the forum to correct course and diversify the organising team and address other criticisms ended up repeating missteps and drawing criticism itself.

An Arab IGF is expected in 2018,¹⁰⁸ and there is hope that grounding it in the UN 2030 Agenda and the Sustainable Development Goals will give it new

¹⁰⁴ El Sherbiny.

¹⁰⁵ Conversation with Mohamad Najem, executive director, SMEX, 20 September 2017.

¹⁰⁶ www.intgovforum.org/multilingual/content/igf-2017-ws-140-arab-igf-debrief

¹⁰⁷ Yamout; Chayya.

¹⁰⁸ El Sherbiny.

life,¹⁰⁹ but without a multistakeholder organising team and more defined and democratic processes for the selection of hosts and AMAG members and chairs, it is easy to imagine that non-governmental stakeholders will elect to spend their time engaging in processes in which they have more equal representation and influence, perhaps at a national IGF.

Action steps

The second mandate of the Arab IGF is now being planned. To improve on the first mandate and address widely held criticisms, we suggest that organisers and other stakeholders take the following steps:

- Decouple the mission of the Arab IGF from the Arab roadmaps for internet governance. The Arab IGF should be a forum for open dialogue on internet policy making, not attached to any other end goal or agenda.
- Diversify the stakeholder representation of the core organising team (i.e. the umbrella organisations and the EJBC).
- Develop the Arab IGF governance structure, processes and bylaws through a transparent, multistakeholder process. Make sure that these processes themselves are open and transparent.
- Open up the hosting requirements so that non-governmental entities can create consortiums to apply to host the event and access the supporting fund.
- Create a multistakeholder committee to evaluate applications for AMAG membership and empower AMAG members to elect their own chair and vice chair. Reinstate the AMAG's original mandate to develop the full programme of the Arab IGF.
- Encourage the formation and development of NRIs across the region, including youth and other themed NRIs.
- Non-governmental and particularly civil society stakeholders should build their capacity on internet governance principles and processes so that they are better prepared to hold a second-mandate Arab IGF and other NRIs accountable for their adherence to the key internet governance principles.

¹⁰⁹ Ibid.

Asia Pacific Regional Internet Governance Forum (APrIGF)

DIVERSITY MADE VISIBLE: THE ASIA PACIFIC REGIONAL INTERNET GOVERNANCE FORUM

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Introduction

Since the first Asia Pacific Regional Internet Governance Forum (APrIGF) in 2010 in Hong Kong, the process has grown in many ways – in terms of awareness, participation, and governance issues pertinent to the region. The last eight years have seen the APrIGF overcome issues of visibility, diversity in participation, as well as funding for the hosting of the annual event. It has also become more organised by having a formal structure.

While the process started late compared to other regional IGFs, Asia Pacific has had its unique achievements. It takes pride in being the first regional IGF to have had the participation of the youth since its inception. It is also the first to come up with a synthesis document that aims to identify common internet governance interests in the region.

But just like any other process, organising the annual APrIGF has its challenges. As more people in the region get connected to the internet, the challenge is how to include and engage new users and “industry” players, and how to make the government listen to them. There needs to be more meaningful participation of a wider array of groups and stakeholders in the process, so that their needs can be articulated, heard and addressed, and so that the voices of the marginalised, including those who are not physically present in the forum, can be heard as well.

The many sessions at the APrIGF generate a lot of meaningful discussions and recommendations, but these should not remain on paper. The APrIGF, as an established body, can and should play a role in encouraging Asia Pacific governments to participate in internet governance initiatives, both regionally and in their own countries; it should encourage governments to listen, and to act on issues of common concern.

Policy, economy and political background

The Asia Pacific region, with over 4.5 billion people in 2016, is home to nearly 60% of the world’s population.¹ It is a very diverse region in terms of culture, religion, language and politics. The region has seven of the world’s ten most populous countries, and also some of the world’s smallest island nations in the Pacific.

The region generated two-fifths of the global gross domestic product (GDP)² in 2015.³ However, there are also marked disparities across economies in the region. For instance, in terms of 2011 purchasing power parity (PPP), Singapore’s per capita GDP is 44 times that of the Solomon Islands. Asia Pacific is one of the regions that was able to achieve the Millennium Development Goal of halving its poverty rate between 1990 and 2015, but it is also where 330 million people are still living on less than USD 1.90 (according to 2011 PPP) a day. Approximately 1.2 billion people in the region live below the poverty line of USD 3.10 (2011 PPP) a day.⁴

Broadband internet subscriptions in the Asia Pacific increased in 45 out of 47 reporting economies between 2000 and 2015, but 58% of the region’s population remains unconnected to the internet.⁵ Because of this, when we speak about connecting the next billion, the Asia Pacific is where a large chunk of them would be coming from.

Today, Asia has the strongest growing demand for internet addresses in the world. This means that more and more people in Asia are using the internet. In contrast to North America and Europe, demand for the internet in Asia is not only growing, but also growing at an accelerating rate. In fact, in the first quarter of 2011, Asia released the last block of IPv4 addresses available in its pool.⁶ This

1 www.unescap.org/our-work/social-development/population-dynamics

2 In 2011 purchasing power parity (PPP).

3 Asian Development Bank. (2016). Key Indicators for Asia and the Pacific 2016. <https://www.adb.org/sites/default/files/publication/204091/ki2016.pdf>

4 Ibid.

5 Ibid.

6 Vaughan-Nichols, S. (2011, 14 April). It’s official: Asia’s just run out of IPv4 Addresses. *ZDNet*. www.zdnet.com/article/its-official-asias-just-run-out-of-ipv4-addresses

is largely due to the unprecedented fixed and mobile network growth in the region.⁷

As markets in the region continue to grow, its access to the internet cannot be taken for granted. Internet governance therefore becomes more relevant.

Coming together as stakeholders

The creation of a regional IGF in Asia had its beginnings during the global IGF held at Sharm El Sheikh, Egypt in 2009. Edmon Chung from DotAsia⁸ recalls that right after the event, there were already general talks about having an IGF in Asia.⁹ In particular, he cites Ang Peng Hwa of Singapore,¹⁰ who started talking to people about the formation of a regional IGF in Asia. During that time, there were already parallel forums happening in Europe, Latin America and the Caribbean, and in Africa, but not in Asia.¹¹

On his way back to Hong Kong from Egypt, Chung found himself on the same flight as the Chief Information Officer of the Hong Kong government. As they had an eight-hour layover in Amman, he took the opportunity to convince the government official to host the first regional IGF in Asia. The government official agreed and preparations for the first Asia Pacific Regional IGF were shortly underway. Communications with Peng Hwa, Paul Wilson from the Asia Pacific Network Information Center (APNIC),¹² Rajnesh Singh from the Asia Pacific chapter of the Internet Society (ISOC) and a few others started the ball rolling,¹³ and the following year, in 2010, the first Asia Pacific Regional IGF Roundtable was held in Hong Kong, alongside the Hong Kong IGF and the Youth IGF.¹⁴

The first APRiGF attracted more than 200 participants, and aimed to widen awareness and involvement in internet governance by holding activities and meetings to discuss issues pertinent

to the use and development of the internet in the Asia Pacific region.¹⁵ From then on, the process grew from strength to strength in the region.

Issues and interests, roles and their reviews

The APRiGF practises the multistakeholder approach. All stakeholder groups operate on an equal footing, and each has a role to play.

Issues discussed at the first APRiGF were more of a technical nature, although there were also non-technical discussions on cybersecurity and the use of technology for disaster recovery. This was a reflection of the interests of the various stakeholders who were actively engaged at the onset. In subsequent years, submissions from the stakeholders defined the theme and topics for the APRiGF.

Governments have an important role in helping facilitate access to the internet for their constituents. Governments implement legal reforms needed for continuous development of the internet in the region. Nevertheless, a common observation in IGFs both at the global and regional levels is the lacklustre participation of governments. The IGF has no significant impact at the national level if governments are not present to listen.

It is usually civil society that brings the issue of human rights to IGFs. However, it was observed that while civil society groups are present at IGFs, there is not enough focus on human rights issues in the discussions.¹⁶ Gender issues are also not that popular.

An annual synthesis document, an output of the regional IGF that was started in 2015, identifies items of common interest and relevance to internet governance in the Asia Pacific region that emerged during the forum discussions. It contains inputs from the participants at the APRiGF, including those contributions made through remote participation. This document is presented to the global IGF, and can also be used at international forums. The inputs can be used by all stakeholders to influence their governments at the national and local levels. Though not representative of the region, the document is nevertheless presumed to be able to help drive active participation in the IGF, given that the perspectives of stakeholders are documented and shared widely.

According to recent APRiGF synthesis documents, common issues of interest in the region

7 According to statistics from the International Telecommunication Union, in Asia and the Pacific, 28 of 45 reporting economies had mobile phone subscription rates exceeding 95 subscriptions per 100 people while 26 economies had mobile phone subscription rates higher than 100 subscriptions per 100 people in 2015. Asian Development Bank. (2016). Op. cit.

8 <https://www.dot.asia>

9 Interview with Edmon Chung on 27 July 2017.

10 Prof. Peng Hwa is from the Nanyang Technological University in Singapore.

11 rigf.asia/about.html

12 Aside from being active in the different sessions of the APRiGF, APNIC has been providing funding support to the APRiGF from the time it started in 2010 to the present. Wilson has also served as chair of the Multistakeholder Steering Group for many years. See <https://www.apnic.net> for more information about APNIC.

13 Interviews with Edmon Chung and Ang Peng Hwa on 27 July 2017.

14 Since then, the APRiGF has been held annually, in Singapore (2011), Japan (2012), South Korea (2013), India (2014), Macao SAR (2015), Taiwan (2016) and Thailand (2017).

15 See the Hong Kong Conference Report at rigf.asia/documents/reports/Conference_Report_APRiGF_2010_Hong_Kong.pdf

16 See the section on “Civil Society in Internet Governance/Policy-Making” in the Tokyo Conference Report at rigf.asia/documents/reports/Conference_Report_APRiGF_2012_Tokyo.pdf

include continuing efforts to bring the next billion users online, security issues, human rights, the multistakeholder model, the digital economy and trade, and the future of the internet and how it will impact on the region. Most of these are not different from the issues that are discussed in other regions and at the global level.

As interesting and important as internet governance is, participation in IGFs remains limited because of certain barriers. The language of participation at internet governance spaces may turn off some individuals and groups from joining. Previous participants have noted that it is elitist and technical, which requires technical capacity and time to analyse complex technical issues.¹⁷ Other factors that inhibit wider representation of civil society in internet governance include lack of awareness and information on forums related to internet governance, lack of resources to attend regional and global processes, and the fact that remote participation is limited to a few participants and could be further inhibited by technical problems.

There are still many stakeholders excluded from the process. The big or professionalised civil society organisations remain the usual participants, since they have the means to acquire funds to attend, while those belonging to the grassroots are left out of the discussion. How do we bring them to the table? Local IGFs may be a venue for grassroots groups, but they should be made aware of the relevance of internet governance to their work, and advocacy is needed so that they are encouraged to engage in the process.

Another critique about regional and national IGF initiatives is that they are just “talk shops”. But these rich discussions and interactions have their use. The very existence of these initiatives encourages multistakeholder discussions on emerging issues. They contribute to identifying solutions to the problems generated by the issues discussed, which can then influence and inform the policy-making processes that take place within national and regional decision-making bodies.

One of the good practices of the APriGF is the inclusion of a Youth IGF.¹⁸ A regional Youth IGF has been a part of the annual APriGF from the start. Initially, most of the youth participants were from Hong Kong, but in recent years others from the

region have joined in. In 2016, more than 20 youth delegates from the Philippines participated in the Youth IGF at their own expense. By 2017, a scholarship grant was made available for the participation of selected youth delegates from the different countries. The youth bring the voices and views of digital natives to the IGF – those born and raised in a society where internet access was a given. The Youth IGF is also a capacity-building space to prepare young people for future engagement in other similar forums, including the global IGF.

From local to regional, from regional to local

While there are common issues of interest among the countries in the region, there are also country-specific concerns that are raised at the APriGF. As IGFs are open and inclusive, local themes can be proposed for panel sessions. Given the social, economic, political and geographic diversity in the region, it is inevitable that specific country needs and interests are raised. For example, Japan and other countries prone to disaster hold discussions about the internet being used for recovery and disaster relief. Among Pacific island countries, while the improvement of regulatory and technical capacities is important for them, effective global action on climate change is equally or even more important as it relates to their very existence. It is essential to surface these local interests and conduct comparative analyses of cross-regional trends to allow the development of a policy framework.

Each year, the APriGF is held in different countries. Hosts may be government or business. When the regional IGF is held in one particular country, it is an opportune time for the citizens of that country to engage with wider and more diverse groups from the region. It is also a time to raise issues particular to the host country. Further, it is an opportunity to engage as many local stakeholders as possible, including those that do not usually engage in the internet governance process.

In the same manner that local issues are raised at the regional IGFs, regional and global issues are also discussed in local IGFs. But of course, more country-specific issues are taken up in local and national IGFs. There is also a better chance for grassroots groups that are unable to take part in regional and global IGFs or similar events to participate in this process.

In the Asia Pacific, the following countries have conducted their own national IGFs: Afghanistan, Armenia, Australia, Bangladesh, Indonesia, Japan, Malaysia, Nepal, New Zealand, South Korea, Sri Lanka and Thailand. The Pacific Islands have also had their own IGF.

¹⁷ This was an observation shared by Sean Ang of the Southeast Asian Center for eMedia in one of the sessions of the 2012 APriGF. See the section on “Civil Society in Internet Governance/Policy-Making” in the Tokyo Conference Report at rigf.asia/documents/reports/Conference_Report_APriGF_2012_Tokyo.pdf

¹⁸ Net Mission, a project of DotAsia, coordinates with the APriGF in organising the Youth IGF.

The impact of local IGFs on a country's economy and development has to be further studied. It is important to continue and sustain the dialogue among stakeholders, even outside of the regional or national IGFs.

It should also be noted that the IGF is not the only space where civil society can influence governments. There are other existing processes that civil society should consider, such as the UN Human Rights Council, and, at the regional level, the Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC).¹⁹

“En-gendering” the APriGF

Gender balance at the APriGF has always been a challenge. Gender issues are often an afterthought. The initial regional IGFs had very little participation of women as moderators, speakers or participants.²⁰ Even the Multistakeholder Steering Group, which functions as the advisory body, is male-dominated. There has never been a female APriGF chair.

In 2014, the Philippine-based NGO Foundation for Media Alternatives (FMA) started to engage in the regional IGF and held a session on the importance of incorporating human rights and gender issues at the APriGF. FMA noticed the gender disparity among the participants and session speakers. Most of the sessions also did not incorporate human rights and gender issues as themes in their discussions. These observations were fed back to the Women's Rights Programme of the Association for Progressive Communications (APC), of which FMA is a member organisation. The following year, APC organised the Gender and Internet Governance eXchange (gigX) in Macao SAR,²¹ prior to the holding of the main APriGF in 2015. Activists from women's rights, sexual rights and internet rights groups took part in the gigX to learn more about internet governance and how the issue of gender fits into the discussions. After gigX, the participants proceeded to attend the 2015 APriGF and took it upon themselves to conduct a gender scorecard of the sessions that they attended. The scorecard included an observation of the number of men and women participating in a session, the number of male and female moderators

and panel speakers, and the inclusion of gender issues in the session topics.

In the same year, the APriGF Secretariat agreed to include gender questions in the workshop evaluation form to be submitted by all workshop organisers. Since then, the questions on gender have remained in the workshop reports. This may have been a factor that has led to the awareness of session organisers to include gender in their discussions.

Based on the annual APriGF Conference Reports, the number of women participants increased from about 20% of the total in 2014 to 30% in 2015 to 43% in 2016.²²

At the 2017 APriGF, with the support of APNIC and the Internet Society,²³ fellowships were given to 50 participants, with an equal number of male and female fellows. There was also gender balance in the selection of participants to the 2017 Youth IGF.

Conclusion

The APriGF creates a platform where multistakeholder groups from the region can exchange and share experiences, ideas and practices, as well as collaborate, thereby contributing to better engagement between and among different communities. It is also a space for capacity building, including to prepare its attendees for participation at the global IGF and other international forums.

In the last eight years, the APriGF has grown from strength to strength in terms of both participation and content. It has gathered various representations from the region and generated a lot of relevant discourse on various internet-related issues. But all these discussions should be translated into action and should influence governments and other decision makers as well.

Despite the growing participation, the challenge of including more voices in the APriGF remains. The diversity of the region should be reflected in the participation.

The APriGF should extend its efforts to encourage wider, more diversified participation and engagement from all sectors of society in this vast region, and ensure that the outputs of these discussions do not remain talk, but will be articulated, heard and addressed by the sectors involved, especially by governments.

19 In line with the integration of ASEAN into an economic community, it developed an ASEAN ICT Masterplan for the years 2010-2015, where four key outcomes were identified: (1) ICT as an engine of growth for ASEAN countries; (2) recognition of the ASEAN as a global ICT hub; (3) enhanced quality of life for the ASEAN population; and (4) provision of contributions towards ASEAN integration. The ASEAN ICT Masterplan 2020 is now in place.

20 Based on APriGF reports from 2010 to 2016, available at rigf.asia/events.html

21 Special Administrative Region.

22 The 2014 APriGF Conference Report featured a graph on gender participation but did not cite the exact figures, thus the 80% mentioned above is an estimate. For 2015, there were 61% male participants, 30% females and the rest did not specify their gender. In 2016, there were 43.3% females, 55.4% males, while 1.2% did not specify their gender.

23 <https://www.internetsociety.org>

As Asia Pacific countries transition into digital economies, and as more people connect to the internet, it becomes imperative for these countries to play a role in internet governance. While a number of countries have conducted their own national IGFs, there are still a few that have yet to do so, possibly reflecting their lack of awareness of what they can get from the process.

Action steps

As the internet continues to evolve and as more people from the Asia Pacific region connect to the internet, more issues will arise. There will as a result be a growing need for groups, communities and stakeholders to participate and engage in the APrIGF process. This presents a need to:

- Encourage more people to engage in the process by offering fellowships. It is important especially to bring the voices of the marginalised and

vulnerable sectors, such as persons with disabilities, indigenous peoples, and rural folk, to name a few, to the discussion.

- Encourage the participation of governments in the process so that they can listen to the voices and views of various stakeholder groups. Civil society and other groups that have been actively participating in the process should, where necessary, consider initiating talks with representatives of their governments on the importance of the APrIGF.
- Localise internet governance discussions through the holding of national IGFs in countries where they have yet to be held. Draw on lessons learned from other countries in the region which have strong national IGFs, or from best practices in other countries across the world.
- Promote a gender balance in participation and a human-rights based approach in the sessions.

Central Asia Internet Governance Forum (CAIGF)

ON ITS WAY TO COLLABORATIVE INTERNET GOVERNANCE

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Introduction

In the context of the sub-regional Internet Governance Forum (IGF), Central Asia includes four countries: Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. As they are all post-Soviet countries, they share common approaches to policy, legislation and regulation to different extents. Turkmenistan still remains outside the IGF process, being one of the most oppressive countries in the world with regards to internet restrictions. The need for a discussion forum for internet governance in the region became obvious over recent years when more people came online and access to the internet started to play a significant role in all areas of life. However, there is yet to be a national IGF in any of these countries.

Rural areas in the region face several problems, including a lack of connectivity and digital illiteracy. This together with poverty has led to a growing digital divide. At the same time, those who do have access are confronting new challenges, including cybercrime and the threat of propaganda and online radicalisation. Being post-Soviet countries, restrictive tools and measures are considered by governments as the best way to handle these problems.

Policy and political background

All countries in the region have authoritarian regimes, ranking from the totalitarian Turkmenistan and Uzbekistan to the more democratic Kyrgyzstan. Kyrgyzstan is, however, regarded as politically unstable and has experienced two revolutions over the last 12 years. While from a policy point of view Kyrgyzstan is more balanced in terms of the participation of the private sector and civil society, internet freedom has nevertheless shown a negative trend with a toughening of the internet regulation framework.

Turkmenistan and Uzbekistan regulate the internet in a very authoritarian way without any legal justifications. A similar situation is found in Tajikistan which has started to sporadically block websites, including social networks. Kazakhstan for its part is known to use different, sophisticated techniques for

blocking websites and has even attempted to block the Tor network.¹ As mentioned, one of the serious emerging challenges for the region is cybersecurity, and the problem of online radicalisation and the spreading of extremist propaganda. This is a complex problem to solve, and is often used as a pretext for restricting human rights in general, including the right to access information, privacy, and freedom of expression.

Two Central Asia IGFs: Similarities and differences

The first Central Asia IGF (CAIGF) took place in Bishkek, Kyrgyzstan on 21 and 22 June 2016. The choice of the country for the event was logically related to the fact that among all Central Asian countries, Kyrgyzstan is considered more democratic, and it is not unusual for the government, private sector and civil society to discuss policy issues. It is worth mentioning that traditionally, civil society has taken strong positions in Kyrgyzstan, including on information and communications technologies (ICTs), which has allowed it to be one of the pivotal groups in IGF-related activities.

The discussions during the two days of the first CAIGF focused on access issues and the balance between security and freedom. As there were a lot of participants and speakers from almost all post-Soviet countries across the region, a range of different views were presented and discussed. These included some of the hottest topics in the region, such as Russia's policy on blocking sites and surveillance, the cyberattacks on Ukrainian energy infrastructure, and the cyberwar between Azerbaijan and Armenia. It should be noted that despite the sensitivity of some topics, given the tension between countries like Armenia and Azerbaijan, and Russia and Ukraine, all discussions were held in a constructive manner, proving that the IGF can be a valuable platform for debating delicate issues.

The event was held with the strong support of the government of the Kyrgyz Republic. It was opened by the first vice prime minister, who oversees ICTs, and had active participation and support from the

¹ <https://www.torproject.org>

Ministry of Transport and Communication. There was also strong participation from civil society and the private sector from Kazakhstan. In contrast, no government representatives from Uzbekistan attended, despite a presence of civil society organisations from that country.

Another positive factor was the presence of high-level representatives of international organisations, which underscored the importance of internet governance to the region. It also meant that there was an opportunity to conduct bilateral meetings with all stakeholders.

Welcoming addresses were made by Raúl Echeberría, Vice President of Global Engagement for the Internet Society (ISOC); Mikhail Yakushev, the Internet Corporation for Assigned Names and Numbers (ICANN) Vice-President for Eastern Europe, Russia and Central Asia; and Nuridin Mukhitdinov, the Director General of the Regional Commonwealth in the field of Communications (RCC) Executive Committee.² The common message in their speeches was that a balanced approach to internet governance is a necessary condition for the economic and social development of countries. All of them mentioned the multistakeholder approach as the only way to achieve this balance. This was particularly important for a region where government often takes all decisions without discussing them with other interested parties.

The important question about access for people with disabilities was raised in one plenary session by representatives of the Kyrgyz association for blind and deaf people. They pointed out that there is a lack of support for the Kyrgyz language in existing software that reads websites for blind people. They also pointed out that government websites for blind people, which are a public service, do not comply with international standards like the Web Content Accessibility Guidelines.³ The director of the e-Government Centre in Kyrgyzstan confirmed that they would, as a result, include accessibility requirements in their project documents, and United Nations Development Programme (UNDP) representatives promised to consider supporting the development of localised software for blind people.

The second CAIGF was held in Dushanbe, Tajikistan on 22 and 23 June 2017. It was quite similar in form, but very different in content compared to the first regional IGF, given the very different environment in Tajikistan. The CAIGF marked the first time in five years that the government had sat down with

civil society to discuss ICT issues, and the event can be considered a great success in paving the way to building better dialogue between governments and other stakeholders in the region. With all the same organisations who participated in the first regional meeting attending the Tajikistan CAIGF (ISOC,⁴ ICANN,⁵ RIPE NCC,⁶ RCC), representatives of the World Bank and Facebook also joined the discussions.

It is worth mentioning that all web platforms blocked in Tajikistan, including Facebook, were unblocked just before the CAIGF, and that they remained unblocked at the time of writing, two months after the forum. This is a tangible output of holding the event in Tajikistan, and creating a forum for meetings between government representatives and Facebook. Another valuable output was the interest shown by the Tajikistan government in participating in the World Bank project Digital CASA, which aims to connect landlocked countries in Central Asia to the global internet backbone and thereby improve access. Earlier, the Tajikistan government had refused to participate, but after the CAIGF they reconsidered their decision and decided to look closely at the project.

A pleasant surprise at the second CAIGF was a video message from the “father of internet”, Vint Cerf, specifically recorded for the participants attending the CAIGF, which demonstrated attention to and awareness of regional problems.

One of the main focuses on the agenda at the second CAIGF was online extremism, the problem of growing radicalisation, and ways to combat this. This showed the local influence of the host country on the regional agenda. Although all countries in the region face problems of extremism, for Tajikistan they are of paramount concern. Many decisions – very wrong from the development point of view – are made under the pretext of countering and preventing violent extremism. Finding the right balance when dealing with extremism is of great importance. Kazakhstan presented its experience of authorities working successfully with civil society in its efforts to prevent violent extremism. Facebook shared its experience in taking down extremist online content and how it worked together with intermediaries like Google, and shared ways in which law enforcement agencies could cooperate with them. It emphasised respect for human rights and its efforts to minimise abuses on its platform.

² www.en.rcc.org.ru

³ <https://www.w3.org/WAI/intro/wcag>

⁴ <https://www.internetsociety.org>

⁵ <https://www.icann.org>

⁶ RIPE Network Coordination Centre, one of the five Regional Internet Registries. <https://www.ripe.net>

There was also quite a lot of bilateral information sharing. For example, the Tajikistan government showed strong interest in the session on the digital economy where the Kyrgyzstan Digital Transformation Programme 2040 was presented. This is considered a citizen-centric approach to providing access to information and public services. It is expected that Tajikistan, which is at a similar level of economic development as Kyrgyzstan, will develop a comparable strategy.

As in the previous CAIGF, a lot of attention was paid to the question of cybersecurity, especially when it comes to secure public services, the protection of state information systems, and the protection of personal data. For example, many government websites in Kazakhstan and Kyrgyzstan have been hacked. In response, Kazakhstan launched the state programme “Киберщит” (CyberShield), which was presented at a session on cybersecurity, and later served as a basis for a Kyrgyzstan draft outlining a similar programme to be implemented in that country.

Regional reflection

If you compare the internet governance topics that emerged during the two CAIGFs to the topics discussed at the global IGFs, it is important to mention several things. First of all, many topics discussed at the CAIGFs matched the global agenda, such as access issues, the digital divide, and cybersecurity. This reflects the influence of global trends on regional and national contexts. On the other hand, topics such as gender issues were not reflected in the regional agenda, though a gender balance among participants was encouraged.

Given the global relevance of the issues confronted regionally, the Central Asian regional context is not reflected well enough in the global agenda. The problems of online extremism and radicalisation and their influence on internet governance across the world have not taken up much space on the global IGF schedule. This could reflect a tendency to not take regional issues seriously at the global level, or an imbalance of power in the global IGF structure that results in certain issues receiving more attention. IGF National and Regional Initiatives (NRIs) only received a slot among the main session panels at the last IGF, in 2016, where NRI representatives were able to make their voices heard. A particularly negative factor worth noting is the limited participation and input from Uzbekistan⁷ and Turkmenistan. Both remain very closed-off countries, including on issues to do with internet regulation.

⁷ At the first CAIGF there were only civil society representatives from Uzbekistan; at the second there were none at all.

Conclusion

Internet governance issues are fairly new for the Central Asia region, and awareness about them leaves much to be desired. This applies not only to governments but, unfortunately, to the private sector and civil society too. Few of them actively participate in internet governance discussions and the CAIGF is no exception. This means that the success of such events greatly depends on the few civil society activists who are already engaged in internet governance issues.

There is a lot of room for capacity building in internet governance for all stakeholders. The IGF is only an annual event, yet actions that respond to the demands of sustainable and dynamic internet governance require constant effort, debate, and advocacy activities. Work at the regional level requires more awareness raising to attract more stakeholders – especially from authoritarian countries like Uzbekistan and Turkmenistan. The participation of the private sector is an important multistakeholder requirement, but its involvement was low in both regional IGFs. Marginalised groups, such as people with disabilities and lesbian, gay, bisexual and transgender (LGBT) people, were also absent, whether as panellists or participants.

There is no doubt that the regional IGFs have raised awareness about internet governance issues in the region, and created some kind of useful forum for participation. Many issues raised at the global level were reflected in the regional IGF agendas. A number of these received attention from regional governments, which provides a basis for future work. There is still some doubt about what exactly will result in concrete action, despite the declarations made by governments. However, many are optimistic.

Action steps

The following action steps are suggested for the Central Asian region:

- Organising a regional IGF is hard work. The more people involved, the easier the process.
- The IGF has proven to be an efficient platform for discussing many internet governance-related issues. Regional civil society organisations need to leverage this opportunity, and pay more attention to their advocacy activities and internet governance impacts on them.
- The experience of the regional and global IGFs should be drawn on to promote and encourage national IGFs in countries in Central Asia.
- Capacity building in internet governance on all levels for all stakeholders is important to advance internet governance in the region and bring the region more in line with the global agenda.

European Dialogue on Internet Governance (EuroDIG)

THE NEED FOR EURODIG 3.0

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Introduction

The European Dialogue on Internet Governance (EuroDIG) is the oldest and largest regional Internet Governance Forum (IGF). It was launched on 20-21 October 2008 in Strasbourg at the Palais de l'Europe, headquarters of the Council of Europe, and since then has been held in a different European country each year.

EuroDIG was created by a multistakeholder group of individual actors in order to discuss and elaborate regional strategies and policies regarding the internet. Its “messages”² are conveyed to European Union (EU) legislators and Council of Europe regulators for consideration, which helps to shape European policy and the implementation of policy.

In fact, it is unique in being actively supported by two European institutions – the European Commission and Council of Europe – which in certain areas can have supranational authority over the national laws and regulations and the judiciary of their member states respectively. In this regard, it is a model of how a multistakeholder discussion forum can be created, with its results channelled through decision-making bodies that have a mandate to listen to the views of actors in the regional internet community.

Political, economic and policy context

Europe has the second-highest internet penetration in the world, and is the second-largest digitised economy in the world after the EU. Two political entities make up Europe: the EU, which has 28 member countries,³ and is a supranational body to

which its members have delegated certain national competencies (such as, for instance, foreign trade agreements); and the Council of Europe, which includes 47 states, and whose competencies are the human rights framework. Both the EU and the Council of Europe have important and autonomous roles to play in global internet governance spaces, such as the World Summit on the Information Society (WSIS), the global IGF, and the Internet Corporation for Assigned Names and Numbers (ICANN), in which the EU is recognised as a full member, while the Council of Europe has observer status.

The German, British, Italian and French economies are among the most important in the world (accounting for four members out of the G7 group) and this adds importance to what happens in this part of the world at the regional level.

Nevertheless, in terms of internet governance policy and strategy, the region, despite its relevance, lacks a common approach – sometimes resulting in disasters, such as the failure of the Safe Harbour⁴ and Privacy Shield⁵ legislations and the lack of common EU fiscal policies on internet companies. In both cases, the lack of EU coordination and common policies across the EU member states had heavy consequences on the EU economy and on the capacity of EU citizens to protect their individual rights.

Setting up EuroDIG

Starting from this consideration, EuroDIG tries to fulfil the needs of both the EU and Council of Europe to have a forum where public policies on the internet could be discussed openly, transparently and in a structured way with other relevant stakeholders. It was founded by a group of internet governance enthusiasts under the wing of the Council of Europe, which had brought experts of the various stakeholder groups together to discuss a common strategy regarding the internet. The proposal to set up EuroDIG was initially supported by Council

1 With contributions from Wolfgang Kleinwachter. The author is among the founders of EuroDIG, but this report has been written in his personal capacity and does not necessarily represent the views of the association. See also the self-presentation of EuroDIG in the GISWatch 2017 special edition on NRIs, available at: <https://www.giswatch.org>

2 At the end of every EuroDIG the conclusions from each panel are packaged into a series of “messages”. See: <https://www.eurodig.org/index.php?id=481>

3 Negotiations for the exit of the United Kingdom from the Union are currently ongoing.

4 Gibbs, S. (2015, 6 October). What is ‘safe harbour’ and why did the EUCJ just declare it invalid? *The Guardian*. <https://www.theguardian.com/technology/2015/oct/06/safe-harbour-european-court-declare-invalid-data-protection>

5 <https://www.privacyshield.gov/welcome>

of Europe structures⁶ and became a concrete initiative open to all stakeholders. Initial resources for the EuroDIG secretariat provided by the Council of Europe and the Swiss Federal Office of Communications (OFCOM)⁷ were complemented over time by contributions from partners and stakeholders supporting it, until the secretariat became autonomous and funded by a plurality of stakeholders.

Since 2008, EuroDIG has travelled around Europe and has taken place in Geneva (2009), Madrid (2010), Belgrade (2011), Stockholm (2012), Lisbon (2013), Berlin (2014), Sofia (2015), Brussels (2016), and Tallinn (2017).

The day-to-day work is assured by a secretariat currently run by Sandra Hoferichter and Wolf Ludwig. Part of its job is to ensure continuity and relations with partners.

This is the current list of institutional partners supporting EuroDIG in different ways:⁸

- Council of Europe⁹
- European Commission¹⁰
- European Regional At-Large Organization (EURALO)¹¹
- European Broadcasting Union (EBU)¹²
- European Telecommunications Network Operators' Association (ETNO)¹³
- ICANN
- Internet Society (ISOC)¹⁴
- OFCOM
- Réseaux IP Européens Network Coordination Centre (RIPE NCC).¹⁵

In order to preserve the independence of EuroDIG efforts, a non-profit association under Swiss law, EuroDIG SA, was created in 2012. All the founding members of the initiative (around 30 people) sit in their personal capacity as members of this organisation. New members are accepted by co-optation and after having proved their commitment and having contributed to the organisation's activities.

Institutional partners are not members, but have their say on EuroDIG activities, especially on its annual

theme and agenda. Despite this influence, decision making is delegated to stakeholders, in the frame of a bottom-up process. Partners and members of EuroDIG gather at least three times a year at their own expense to discuss the organisation of the event.

Financing of the activities comes from the partners and also from sponsors, mainly global or regional companies and other entities involved in the internet.¹⁶

The EuroDIG “mix”

The composition of EuroDIG – the association's membership and the partnership – is a very interesting mix of institutions, mainly non-profit associations and individuals. Among the partners you find European institutions with a European mandate (such as the Council of Europe and European Commission), national institutions (OFCOM from Switzerland), trade associations (such as EBU, ETNO), non-profit corporations (such as ICANN), civil society organisations (such as EURALO) and technical community associations (such as RIPE-NCC and ISOC). Among the individuals (the 30 members of the association) you have fathers of the debate on internet governance in Europe such as Kleinwachter, Wolfgang Benedek, Bertrand La Chapelle and Yrjö Lansipuro; and representatives of national IGFs such as Thomas Schneider, Juuso Moisander, Michael Rotert, Vladimir Radunovic, Iliya Bazlyankov, Ana Neves and Sorina Teleanu, the coordinator of the subregional initiative South Eastern European Dialogue on Internet Governance (SEEDIG).¹⁷

No stakeholders are excluded. EuroDIG takes pride in being an open and inclusive process at all times. In fact, many of EuroDIG's solutions to ensure openness, transparency, multistakeholder engagement and a bottom-up approach were later adopted by the global IGF¹⁸.

However, while this is the case, as with any other forum, limited resources inhibit the participation of all stakeholders. In part this is why EuroDIG receives earmarked support to actively involve excluded stakeholders such as young internet users,

6 Thanks to a wise and forward-looking decision by Jan Malinowski and Lee Hibbard (executives at that time in charge of internet governance at Council of Europe).

7 <https://www.bakom.admin.ch/bakom/en/homepage.html>

8 <https://www.eurodig.org/index.php?id=74>

9 <https://www.coe.int/en/web/portal/home>

10 <https://ec.europa.eu/>

11 <https://community.icann.org/pages/viewpage.action?pageId=2266155>

12 <https://www.ebu.ch/home>

13 <https://etno.eu>

14 <https://www.internetsociety.org>

15 <https://www.ripe.net/>

16 The list of the 2017 EuroDIG donors and sponsors and the budget for each year's event are published on the website: https://www.eurodig.org/fileadmin/user_upload/eurodig_Tallinn/EuroDIG_2017_donors_handout_20170211.pdf

17 seedig.net

18 It has also tried to produce outcomes that should have been negotiated in an intersessional process, like a “EuroDIG statement” on net neutrality. This has, however, proven to be more difficult than expected, but has been an interesting learning exercise about the challenges and limits of producing such outcomes on controversial topics in an open but relatively unstructured multistakeholder environment.

or South Eastern European countries. At the same time, specific attention is paid to gender, and a gender balance is sought in stakeholder participation and in representation on the discussion panels.

Democratic processes

In terms of democratic and effective multistakeholder processes, EuroDIG can be considered one of the best existing models among IGF National and Regional Initiatives (NRIs) and truly reflective of a bottom-up process. Instead of being tied down by endless selection procedures for workshops and other events, EuroDIG looks for the most promising ideas. It does not examine hundreds of proposals for plenaries or workshops (as happens in the global IGF Multistakeholder Advisory Group), it does not conduct closed-door negotiations, and it does not have a small group of individuals who decide for everyone else.

Every year, there is a seven- to eight-month process for accepting and selecting proposals,¹⁹ followed by a community-driven process for selecting the best ideas and transforming them into various sessions. The organisation of these sessions is entrusted to each one of those who proposed the topic or idea in question, with the assistance of one of the founding members of EuroDIG.

This approach is bottom-up and is not based on the power of money, the biggest donors or sponsors' interests.

This approach only works because EuroDIG has a stable and efficient supervisory mechanism of founders who lend it credibility and help to overcome challenges. Of course, this unique EuroDIG mechanism also has its limits, and the progressive distance of some EuroDIG founders from their creation could endanger its credibility and make EuroDIG less effective in the long run.

EuroDIG's impact

EuroDIG's impact is partly due to its access to important decision makers in internet policy in Europe, including the Council of Europe, the European Commission (through DG-CONNECT),²⁰ ICANN, and members of the European Parliament (via a long-standing partnership with the European Internet Forum).²¹ That EuroDIG started as a "pan-European" internet governance dialogue platform means that its main interlocutors are the regional actors (the EU and Council of Europe) and – in the global sphere – ICANN, and not the national IGFs. Nevertheless,

as a consequence of them having hosted EuroDIG events, EuroDIG has privileged relations with certain local authorities and governments (such as those in Berlin or in Tallinn). Furthermore, EuroDIG has had representation in official hearings at the European Parliament and in various other European-wide bodies on internet governance issues.

However, EuroDIG's impact is not measured – and it would be very difficult to do so. It is generally left to the good will of individuals involved in the EuroDIG process and of the partners that promote outcomes among their constituencies.²²

EuroDIG also offers a service to its member NRIs by collecting and aggregating the key issues at the national and sub-regional level in Europe. But collating this information does not go beyond the simple collection of data, there is no attempt to streamline or structure the debate across the continent. Neither does EuroDIG appear to have the will and the means to seek such a role. Its role is to trigger and foster engagement in internet governance issues, especially when there is a lack of energy, goodwill and actors to facilitate dialogue at the national level.

Conclusion

Over the years, EuroDIG has moved from being a dialogue between institutions, civil society, academia and non-profit bodies, to a place where vested interests want to be present, and where sponsors have become indispensable. To host an event for 700 people would be almost impossible if it were funded via small sponsors and public funding. This shift has reduced the margins of freedom and courage of EuroDIG today, which now tends to fewer risks in order to stay more "politically correct" and, in doing so, risks becoming less innovative and provocative.

I have seen the EuroDIG community grow fast. It has been brave and innovative, especially when it was still a small event of a few hundred participants. The last annual EuroDIG events (such as the biggest ever in Brussels in 2016) have faced a lot of new difficulties and the event has become more costly and complicated. The debates tend to become less constructive, with more and more participants worried about illustrating their positions than building common ones.

Multistakeholder dialogue can be difficult when relevant national stakeholders are not included in the dialogue and when the issues go beyond their domestic authority to act, thereby necessitating the presence of other regional and international actors.

¹⁹ The call for the 2018 event: https://www.eurodig.org/index.php?id=110&no_cache=1

²⁰ <https://ec.europa.eu/digital-single-market/en/dg-connect>

²¹ <https://www.eifonline.org/>

²² The messages from EuroDIG 2017 in Tallinn can be found here: https://www.eurodig.org/fileadmin/user_upload/eurodig_Tallinn/Messages_from_Tallinn_EuroDIG_2017.pdf

Because of this, governments need to be encouraged to use forums such as EuroDIG to bridge the divide between countries, and to meet the collective internet governance needs of the region. It is also important for actors such as the European Commission and the Council of Europe to intervene in internet governance at the regional level, emphasising that their mandates include the importance of active listening to the wishes and needs of regional stakeholders.²³ So now that there is an urgent need for greater strategic thinking and internal reflection on its processes, EuroDIG risks losing momentum and effectiveness. Already EuroDIG's weak points include sustainable funding, an understaffed secretariat, geographical imbalances in participation (in particular East-West imbalances), the low engagement of the private sector, and the constant risk of being captured by smaller interest groups (both government and business).

Finally, the global IGF's coordination of the national and regional IGFs around the world puts EuroDIG in a dilemma because it also coordinates some national IGFs across Europe with others not recognising its coordination role. EuroDIG could therefore lose representativeness and influence, unless it takes on the responsibility of playing a stronger and proactive role in European coordination.

Action points

A deep reflection on the future of EuroDIG needs to be engaged in now, seizing the opportunity offered by the transformation of the global IGF and its increased focus on NRIs.

There needs to be a will to take risks and to review its current formula. It is easier to become bigger each year, and obtain more sponsors and create an event bigger than the year before in a growing economy linked to the internet. It is more difficult to remain critical, to give space to the voices that have less opportunity to be heard, to ideas that are less fashionable, to accept and deal with dissenting voices, opinions and methods.

It is important not to be afraid to tackle political issues. What were seen as only technical problems

yesterday, today have to be framed in terms of political contest. And Europe – as the continent that gave birth to social, civil and human rights – should show itself to be well placed to do this.

A more proactive stance needs to be taken by EuroDIG towards those countries which do not have a national IGF initiative, by creating incentives for small organisations or individuals to grow and create a nation-wide dialogue. The credibility built through the backing of the European Union and the Council of Europe could help these fledgling initiatives, and could enable change across the whole region. Currently EuroDIG shows a fair representation of all stakeholders in its community (some are stronger, others are weaker, of course). However, this means that the next step is not how to engage other stakeholders, but how to make sure that at the national level, there is the effort to be inclusive.

Inclusiveness should be pushed by EuroDIG and its members. If a national or sub-regional initiative is unbalanced, its contribution to the regional debate will be unbalanced and risks creating a bias in the process.

At the same time, new blood is needed to join the founding members in the core organising team, introducing new and vital competencies to reflect the changes that have occurred in the internet world since 2008. It is important to start thinking now about a EuroDIG 3.0, with different roles, ambitions, and more risk taking, to avoid falling into the trap of an overtly “semi-institutionalised role”.²⁴

Finally, it is also important to ensure that there is structured follow-up of the discussions and resolutions produced by EuroDIG. What has their impact in the region or on national-level policy making been? Results of this monitoring should be fed back into the subsequent EuroDIG discussions, to help create continuity and momentum.

One way to do this is to develop some formal mechanism which can turn the “input” into national and regional policy-making recommendations by leveraging the relationship with the EU and Council of Europe. For example, an oversight mechanism could be developed that follows up on “messages” developed by the forum, and monitors their impact on policy – at the very least at the regional level. This could include a regular impact review, compiled with institutional backing and funding. An institutional mandate would be necessary to ensure that this report made its way into deliberations at the European Parliament or the Parliamentary Assembly of the Council of Europe.

23 For the EU see: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Internet Policy and Governance - Europe's role in shaping the future of Internet Governance: europa.eu/rapid/press-release_IP-14-142_en.htm; see also, on IGF 2014 Istanbul: europa.eu/rapid/press-release_MEMO-14-513_en.htm; on the IANA transition: europa.eu/rapid/press-release_IP-14-142_en.htm. For the Council of Europe see: (original document) https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cadd04 and <https://www.ip-watch.org/2012/03/15/council-of-europe-passes-internet-governance-strategy>

24 A meeting to discuss the future of EuroDIG will take place in Zurich in January 2018.

Latin American and Caribbean Regional Preparatory Meeting for the Internet Governance Forum (LACIGF)

LESSONS FROM THE LACIGF: A SULÁ BATSÚ RETROSPECTIVE

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Introduction

Latin American and Caribbean Internet Governance Forums (LACIGFs) are preparatory meetings that take place in the LAC region prior to the global IGF. They provide a space for dialogue on internet governance for multiple stakeholders, in particular governments, the technical community, academia, the private sector and civil society organisations.

LACIGF events are not meant for making decisions on internet policy, but are rather seen as spaces to share multiple stakeholders' perspectives on critical internet policy issues, to lay out the great milestones of internet governance in the region, to present ideas and proposals for the global IGF, and to discuss in advance the issues to be addressed at the forum. They follow up on the information society agenda built at the World Summit on the Information Society (WSIS).

"Parallel sessions" are also organised independently from the main event, and are run by civil society and others stakeholders. Among other things, they have dealt with issues such as gender and technology and offered cybersecurity training. They have become excellent spaces for holding stakeholders accountable, for negotiating new projects with donors and partners, and have served as meeting points for different networks and for presenting progress on projects, among other activities. This means that the forum should be valued, not only for the main event, but equally for the parallel sessions, which provide an opportunity for advocacy, engagement and learning.

This report offers a general review of the issues discussed over the last 10 years at the LACIGF. It suggests that although internet governance issues are becoming more complex in the region, the discussions at the event, and the format of these discussions, are not allowing the new complexities to be explored sufficiently. The event is also struggling through the absence of strong participation from the government

and academic sectors. Finally, there is a need for the event to open up internet governance discussions to other sectors, such as education, health and the environment, and more work needs to be done in making internet governance relevant to these actors.

Overview of the LACIGF 2008-2017

The first regional preparatory meeting is held in Montevideo 2008,¹ originally convened by the Latin American and Caribbean Internet Addresses Registry (LACNIC),² the Association for Progressive Communications (APC)³ and the Information Network for the Third Sector (Rits).⁴ This meeting addresses two topics that will end up being discussed in all the following LACIGFs: how to connect the next billion, and security and privacy online.

The second meeting of the LACIGF is held in Rio de Janeiro in 2009.⁵ In addition to the two key topics of access and security and privacy, issues around local content, multilingualism and multiculturalism, as well as freedom of expression are highlighted as the most important concerns of the region. At this event, the future of the LACIGF and the need to establish agreements for a better functioning of all its aspects – its Multistakeholder Advisory Group (MAG), the frequency of meetings, dynamic coalitions, processes related to internet governance in other similar forums, etc. – are discussed for the first time.

The third LACIGF takes place in Quito⁶ in 2010. At this point in time, the global IGF has already begun integrating the reports and inputs from regional initiatives into its agenda, reinforcing the value of the preparatory meetings. Issues similar to those of previous events are addressed, as well as critical technical resources such as IPv4 and emerging issues such as the cloud.

The fourth event takes place in Trinidad and Tobago in 2011.⁷ The Internet Society (ISOC)⁸ and the

1 <https://archive.lacigf.org/sp/lacigf1/index.html>

2 www.lacnic.net

3 <https://www.apc.org>

4 <https://www.rits.org.br>

5 <https://www.nupez.org.br/?q=node/11>

6 <https://archive.lacigf.org/sp/lacigf3/index.html>

7 <https://archive.lacigf.org/sp/lacigf4/index.html>

8 <https://www.internetsociety.org>

International Telecommunication Union (ITU)⁹ Caribbean office join the founding organisers (at this point, Nupef¹⁰ has replaced Rits). At this edition, the relationship between internet governance and human rights is positioned much more strongly on the agenda.

The fifth forum is held in Bogotá in 2012.¹¹ It is interesting to see how the organising committee has expanded at this point. For this event, LACNIC, APC, ISOC and Nupef are joined by the National Office of E-Government and Information Technology of Peru, the Ministry of Information and Communications Technology of Colombia, the Hispanic-American Association of Research Centers and Telecommunication (AHCJET)¹² and the Latin America and Caribbean Federation for Internet and Electronic Commerce (ECOMLAC).¹³ Two new mechanisms are also put in place: the agenda is co-constructed with actors in the region who are consulted in an open and transparent way about the main topics to be discussed prior to the event, and an open call is set up for stakeholders to propose host countries and organisations for the event. Issues such as net neutrality, mobile internet and IPv6 become relevant at the 2012 forum.

The sixth event takes place in Córdoba (Argentina) in 2013.¹⁴ In addition to what have emerged as the core themes of the LACIGF (privacy, security and access), two additional topics stand out: the challenges and advantages of a multistakeholder approach to internet governance, as well human rights online, with a specific emphasis on freedom of expression and the right to privacy online.

The seventh event is held in San Salvador in 2014.¹⁵ The LACIGF has already grown in size by this time, not only in the number of participants, but also in terms of interested stakeholders and the complexity of the themes. For this reason, a multi-stakeholder coordination group called a Programme Committee is created, comprising two representatives from each sector: the government sector, the private sector, the technical community and civil society. New themes are also incorporated, such as the construction of a regional internet governance agenda, which has already been developing but is more clearly set out here. The topics of an open internet and open data are included. The line of work on internet governance and human rights continues to be strongly emphasised.

9 <https://www.itu.int/en/Pages/default.aspx>

10 <https://www.nudef.org.br>

11 <https://archive.lacigf.org/sp/lacigf5/index.html>

12 asiet.lat/nosotros

13 www.ecomlac.lat

14 <https://archive.lacigf.org/sp/lacigf6/index.html>

15 <https://archive.lacigf.org/sp/lacigf7/index.html>

The eighth LACIGF is held in Mexico City in 2015.¹⁶ There is an important shift as human rights, digital rights and internet governance are reinforced as key themes. Issues such as the digital economy, the right to be forgotten, network neutrality, the relationship between intellectual property and access to knowledge, and the Internet of Things start to be integrated in the discussions. This expansion of themes reflects the complexity of internet governance in the region. A need to reorganise the forums is discussed.

The ninth LACIGF takes place in San José in 2016¹⁷ and highlights the connection between the 2030 Sustainable Development Goals (SDGs) and internet governance. At the time of writing, the 10th forum has just been held in Panama City.¹⁸ It highlighted new emerging issues such as the right to be forgotten, artificial intelligence and digital cities. In both events, discussions on the core themes of the LACIGF continue.

Lessons from the 9th LACIGF

The 9th LACIGF took place in Costa Rica from 27 to 29 July 2016. Cooperativa Sula Batsú organised the event, which had a high level of attendance, both in person and remotely – 500 participants were present at the event (30% from Costa Rica and 70% from the rest of the LAC region) and the same number participated remotely, mostly from outside the host country.

Based on this experience, we have summarised the strengths and lessons learned from the event, which we believe are applicable to the LACIGF generally.

Strengths

- *A meeting of stakeholders:* One of the key strengths of the forum is that it offers an opportunity for organisations, institutions and companies that work on issues related to internet governance but that do not know each other to meet for the first time. On many occasions, actors working on digital issues have not previously associated themselves with the internet governance sphere.
- *Internet governance is no longer exclusively for technological elites:* The internet governance topic is complex, made up of many different aspects including but not limited to the technical management of the internet. But because

16 <https://archive.lacigf.org/sp/lacigf8/index.html>

17 <https://archive.lacigf.org/sp/lacigf9/index.html>

18 <https://lacigf.org/lacigf-10/>

internet governance does involve complicated technical issues, technical elites have been the owners, leaders and main actors historically in decision making. Thanks to the LACIGF, internet governance has now become more popular and relevant, and has been linked to other essential issues, such as human rights and digital rights. While this is a sign of progress, the need to identify and broaden the perspectives of what issues are essential to internet governance remains. These issues could include, for instance, big data and consumer surveillance, the consumer society and the internet, employment in a digital age, new specialisation in education, and sustainability, climate change and digital technology.

- *The importance of multistakeholder participation:* The fact that the forum is not binding in terms of agreements or commitments has two sides to it. On the one hand, it facilitates the participation of a diversity of stakeholders, including some large technological corporations that take part in the conversations with the other actors on equal terms. This is interesting because different perspectives can be heard without the need to reach agreements. On the other hand, the fact that discussions are not binding can make the discussions repetitive, with a sense that we are going around in circles, with no real commitments or engagement happening.
- *The comparison between national and international perspectives:* The LACIGF allows national perspectives to be presented and discussed alongside regional and international experiences. For host organisations, with the increased participation of local stakeholders, this is very useful. It has the potential to generate new actions and initiatives at the local level as a consequence of stakeholders being exposed to best practices elsewhere in the world.
- *The participation of young people:* This was particularly relevant at the 9th LACIGF. The Youth Observatory,¹⁹ created by Childnet International to include the voice of children and young people at the IGF, was particularly active and was joined by other young people, such as the young women who have received scholarships through the TIC-as network, a programme led by Cooperativa Sulá Batsú to promote young women's leadership in the IT sector.²⁰

The participants from the TIC-as network are studying computer science at university, and the internet governance topics dealt with in the LACIGF are completely new to their curricula. The need to integrate internet governance as a topic in the university curricula was a key lesson learned during the forum.

- *A very structured logistics process:* From a logistical point of view, organising the LACIGF is not that complex – what needs to be done is clearly defined and structured. There is a written procedure that is clear and concise that helps the logistics process. The greatest limitation is the available resources.
- *The visibility of the organising entity:* Undoubtedly, the LACIGF makes the organising entity more visible in its country and in the region. For Cooperativa Sulá Batsú, it was an opportunity to strengthen its position as a civil society organisation that works on internet governance and that has relevance in the region. The fact that our organisation is a member of the Association for Progressive Communications (APC) network greatly contributed to this outcome.

Lessons learned

- *Governments and academia were largely absent:* The Costa Rica LACIGF saw the broad participation of national institutions from Costa Rica. However, the participation of governments from other LAC countries and academia from Costa Rica and the region was low. This is something important to pay attention to in the LACIGF.
- *The organising team only has a logistics role – but this is not enough:* From our experience, we believe that the organising team should be given a voice in the content and methodology of the LACIGF held in its country. This would build capacity in the organisation tasked with the logistics for the event, and better position it for future advocacy on internet governance in the host country.
- *The saturation of some topics and perspectives:* It is necessary to broaden the topics related to internet governance. Attention remains focused on certain issues such as online privacy and security that are very relevant – and are core issues for the event. However, this has meant that other emerging issues are not discussed in the Latin American region, such as the digital economy, algorithms, big data, and employment in the digital society, among others.

¹⁹ www.youthigfproject.com

²⁰ <https://tic-as.com>

- *Methodological saturation*: It is important to modify the methodology used in the LACIGF (and the IGF generally). We reached a point of what I call “methodological saturation” – the top-down “expert” presentation and panel discussion format – because it is not possible to progress in our discussions in this way when confronted with new topics and perspectives. The way we are dealing with issues is not useful to the new challenges in internet governance facing the region. We need a new format.
- *The evolution of discussions*: As mentioned, there are core issues that have been debated and worked on since the first forums, such as access and online security and privacy. It would be very interesting to map the evolution of these discussions in the region.
- *We must attract new audiences*: It is also necessary to attract new audiences, groups and actors from other fields. The LACIGF must make it possible for internet governance to become relevant to new sectors in Latin America (such as the health, education, food, environment and energy sectors). At present, the same people from the same sectors participate in all the events.
- *Conduct follow-up discussions in the host country*: It is important that the organising entity looks for opportunities to continue discussions with the same multistakeholder approach at the local level. In this way, the effort of organising the IGF can trigger a more integrated approach to internet governance in each country.
- *A gender focus must be prioritised*. From our perspective, a gender analysis of internet governance mechanisms must be prioritised. This needs to go beyond focusing on the scarce participation of women in the digital sector, and should include discussions on women’s

leadership, women in IT development, algorithms and gender sensitivity, among others. It is also important to understand the role played by women in the IT manufacturing sector.

Action steps

Based on our experience, we would make the following recommendations to stakeholders that participate in the organisation of the LACIGF:

- Strengthen the multistakeholder approach, especially the participation of the government and academic sectors.
- Review the current methodological approach to discussions and presentations – the “expert” format. It is becoming less and less effective in stimulating discussions.
- Integrate innovative, new and unexplored thematic areas into the agenda. It is important to generate in-depth and forward-looking discussions on regional development and transformation in the context of a digital society and human rights.
- Enable the organising entity to have a more significant role that goes beyond logistics.
- Generate records of the discussions to avoid repetition in later events.
- Create relevant discussions and opportunities that attract other sectors such as health, education, agriculture and the environment.
- Integrate a gender perspective. This should accompany the perspectives of indigenous peoples and the Afro-descendant and rural communities.
- Conduct a thematic analysis of the central themes discussed over the last 10 years in the forum. What does this tell us about the future of internet governance in the region?

South Eastern European Dialogue on Internet Governance (SEEDIG)

SEEDIG: SPACE FOR NEW PERSPECTIVES

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Introduction

This report offers a perspective on the South Eastern European Dialogue on Internet Governance (SEEDIG)² initiative, based on a series of interviews that we have conducted with stakeholders.³ We believe that SEEDIG is one of the most valuable and important bodies in South East Europe. Its annual one- to two-day meetings offer a dynamic atmosphere for networking, for forging consensus between stakeholders, and for learning. It also provides an important opportunity to engage with one of the region's most important stakeholders: governments. But while this report suggests that SEEDIG offers a positive approach to seeking solutions to internet governance, there remains a need to include more young people in its discussions.

Breaking through the shadows

In South East Europe, internet governance is mostly overshadowed by daily events and political turmoil. It was in this context that SEEDIG was started in 2014 following discussions by members of the internet community in South East Europe and representatives from the Internet Corporation for Assigned Names and Numbers (ICANN)⁴ at the Internet Governance Forum (IGF) meeting in Istanbul. The SEEDIG initiative was formed with the intention of serving as a core forum for discussing internet governance in South East Europe, but also in the wider region.

From the start, SEEDIG had the support of EuroDIG, the pan-European internet governance forum. EuroDIG offered the sub-regional forum visibility and focus, and helped to strengthen relationships between the SEEDIG community and

partners across Europe. With the support of EuroDIG, stakeholders in South East Europe had an opportunity to map the main internet governance issues faced by the region.

A key problem faced by the region when it comes to internet governance is how the different sectors understand digital rights and freedoms and the nature of internet governance. SEEDIG has the potential to help different stakeholders understand the challenges they face at both the regional and country level. As one participant interviewed for this report said: "The community is not in a position to understand how much these questions [on internet governance] are important in the region." However, he also pointed out that SEEDIG has its limitations: "Even SEEDIG cannot deal with all of the problems which we can face in this region."⁵ Key regional internet governance issues identified include net neutrality, the importance of cybersecurity for end-users, and governance in the private sector.

Stakeholders involved in SEEDIG are drawn from different sectors – government, the business sector, civil society, the technical community, academia and the media – but also include individuals who want to contribute to the discussion. As one of the interviewees said: "It brings together groups of people who normally never engage with one and another, especially in highly competitive political environments."⁶

The discussion is open and wide-ranging, and sheds new light on old problems. For example, often the media in South East Europe only try to find bad examples of the implementation of cybersecurity strategies in the region; SEEDIG showcases best practices and good examples of what such a strategy could look like. The importance of showcasing positive solutions to problems during the discussions is one of the major highlights of SEEDIG.

SEEDIG still needs wider recognition by state officials. There is, as a result, a need for more awareness raising in the region about the importance

1 Cyber girl with an passion for numbers. Loud cryptoanarchist, but silent cryptographer. In *crypto I trust*.

2 For more on SEEDIG, see: www.seedig.net/background

3 Special thanks to Dušan, Michael, Sorina, Sasho, Lianna and others from SEEDIG for participating in the interviews.

4 <https://www.icann.org>

5 In-depth interview with Dušan Stojčević.

6 In-depth interview with Michael Oghia.

of the forum, and of the need for and value of cooperation between stakeholders. In the sea of commercialised cybersecurity forums in the region, the importance of SEEDIG as a non-commercial, transparent and open forum for all stakeholders and end-users is huge.

One of the key issues in SEEDIG is that a healthy balance needs to be maintained in discussions between the different stakeholders. For example, it is important to strike a balance between the subjective impressions and fact-based contributions of stakeholders. It is also necessary to try to find consensus on different questions that arise during discussions. While the forum is multistakeholder, are we all equal at SEEDIG? This is an important question for all stakeholders who are trying to have an impact on internet governance in their countries or regions by organising IGFs.

The interviews conducted for this report suggest that one of the greatest values of SEEDIG is its potential for network building, which can lead to learning from best practices in the region, as well as greater cooperation between countries and different stakeholders in South East Europe. The region faces problems that are different from those found in Western and Central Europe – such as access, internationalised domain names, human rights and cybersecurity – and as a result, these challenges are not widely talked about. SEEDIG has the potential to be a new space where all stakeholders can share their ideas – in particular those that have been denied a voice in the region due to socioeconomic or other differences. Sometimes in South East Europe, “marginalised communities” are not your usual suspects. For example, in Bosnia and Herzegovina, the youth are excluded from any kind of discussion to do with the internet and are not considered a relevant “stakeholder”.

SEEDIG aims to address this by, for example, organising Youth Schools and running its Fellowship Programme, which has meant that a variety of people from different backgrounds have had the opportunity to be enriched professionally and personally. The following statement from one of the Youth School participants shows the impact that SEEDIG has had:

The SEEDIG Youth School is for me still a vivid memory. Before being part of this event I did not know clearly the difference between e-governance and the governance of the internet. Now, not only do I know the difference, but I can proudly say that I have realised how important the governance of the internet is. The entire event was a source of rich information, since I

was able to hear specialists from different fields talking about interesting topics such as cybersecurity, fake news, and smart cities.⁷

Some stakeholders are not represented in the SEEDIG discussions. Mostly they come from the business world – there are many events considered more important by the private sector to participate in. However, this is to be expected in a forum where stakeholders put forward progressive demands for internet governance.

Many national IGFs have been born as a result of SEEDIG, in Bosnia and Herzegovina, Croatia, Slovenia and others. Countries such as Macedonia and Albania are in the phase of preparing national IGFs. These national IGFs would not be inclusive without the bottom-up approach that is the result of the regional forum.

Conclusions

In South East Europe, internet governance is mostly overshadowed by daily events and political turmoil. The power of SEEDIG lies in the structure of the dialogue: its multistakeholder approach to internet governance helps to reunite a divided society through creating an open forum for sharing different viewpoints on digital governance, and the space to shape understanding and consensus. It offers us a new perspective on South East Europe where so many things are still unresolved.

It faces challenges, including its financial sustainability, and how to make discussions more relevant, particularly to marginalised and vulnerable groups. For example, when it comes to gender equality, the day-to-day gender disparities in the region in relation to digital empowerment can become more visible. SEEDIG can also offer a safe space for women to participate, one that is free from hate speech and online violence.

The extent to which we make the discussion more progressive and relevant depends on our ability to create a space that is not only important for the information technology community, but for every person in society. By remaining committed to an inclusive approach, SEEDIG will become more visible and vital to the region.

Action steps

The importance of addressing internet governance challenges in the region through incorporating the perspectives of all stakeholders in a transparent process is an example of good practice that needs

⁷ SEEDIG 2017 Annual Report. https://www.intgovforum.org/multilingual/index.php?q=filedepot_download/3568/727

to be considered by states, the private sector and civil society organisations in South East Europe.

SEEDIG is a relatively young initiative which will face challenges in the future. These include its financial sustainability, and its ability to remain a vital and relevant forum for regional internet governance discussions. It will be critical for it to include more stakeholders in its discussions in order to give the forum visibility and to influence regional policy perspectives.

What we need to see more at SEEDIG is the youth – not only from the information technology sector, but the individual young people who have a wish to be there and express their feelings, opinions and ideas. Only by including the youth through initiatives such as the Youth School will we see a wider and brighter perspective – especially in South East Europe, where we need to forget the borders and differences that somebody else has defined for us.

Southern Africa Internet Governance Forum (SAIGF)

THE SOUTHERN AFRICA IGF: LESSONS IN STRUCTURING A REGIONAL IGF

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Introduction

This report uses the example of the Southern Africa IGF (SAIGF) to illustrate how structuring a regional IGF has an impact on its ability to influence and shape national and regional policy. The process of establishing the SAIGF is significant in three respects: the first is that the call to set up the SAIGF was an unintended outcome of a capacity-building intervention; secondly, the inaugural SAIGF was a collaborative effort between an intergovernmental institution, a regional NGO and a global NGO; and, lastly, the SAIGF was the only regional IGF which had the endorsement of its associated regional economic community, the Southern Africa Development Community (SADC),¹ from inception. These three factors distinguish the SAIGF from other regional IGFs in Africa and were determinants of the type of structure that emerged for its operationalisation.

This report looks at how the SAIGF has evolved over time, its impact on the information and communications technology (ICT) and internet policy space in the region, and challenges and lessons to be learned. Specifically, the report highlights how buy-in from all stakeholder groups and proper coordination are essential and may affect the impact of a theoretically well-structured regional IGF.

Policy, economic and political background

The SADC was established to facilitate regional and economic integration in the region. ICT development falls under the Directorate of Infrastructure

and Services² at the SADC Secretariat. The Secretariat also draws on two regional institutions, the Communications and Regulatory Association of Southern Africa (CRASA)³ and the Southern Africa Telecommunications Association (SATA),⁴ to draft or inform model laws, policies or guidelines for regulation and legislation in the ICT sector.

As in other regions, SADC has well-instituted policy processes that follow the general structure illustrated in Figure 1.⁵

From this structure, it can be seen that the basic entry point for policy shaping is through the ICT Sector Senior Officials Meeting. While these meetings are not usually open, stakeholders may channel issues through their national focal points or through engagement with the SADC Secretariat. SADC also has provision for National Committees which incorporate stakeholders from the government, private sector and civil society and are intended to provide national inputs into regional policies and projects and may also initiate projects and write issue papers. It is not clear to what extent these committees have been implemented in practice.

Situating the SAIGF for policy impact in SADC

The Southern Africa IGF originated from a capacity-building workshop organised in 2010 by the DiploFoundation⁶ and Botswana Information Technology Society (BITS)⁷ in which the participants, through their “2010 in 2010 Gaborone Communiqué”,⁸ called for the establishment of the SAIGF and resolved “to initiate the steering process for the establishment of a Southern African Internet Governance Forum (SAIGF) to ensure the participation

1 The Treaty Establishing the African Economic Community (AEC) was signed in 1991 and recognised Regional Economic Communities (RECs) as building blocks of the AEC. Currently there are eight RECs which for the most part align to the five geographic regions of the African Union (AU): Central, Eastern, Northern, Southern and Western Africa. Notable exceptions are the Common Market for Eastern and Southern Africa (COMESA) and the Community of Sahel-Saharan States (CEN-SAD), which draw membership from different geographic regions. It should also be noted that countries are not restricted to membership in one REC and as such, most countries belong to more than one REC.

2 www.sadc.int/sadc-secretariat/directorates/office-deputy-executive-secretary-regional-integration/infrastructure-services

3 www.crasa.org

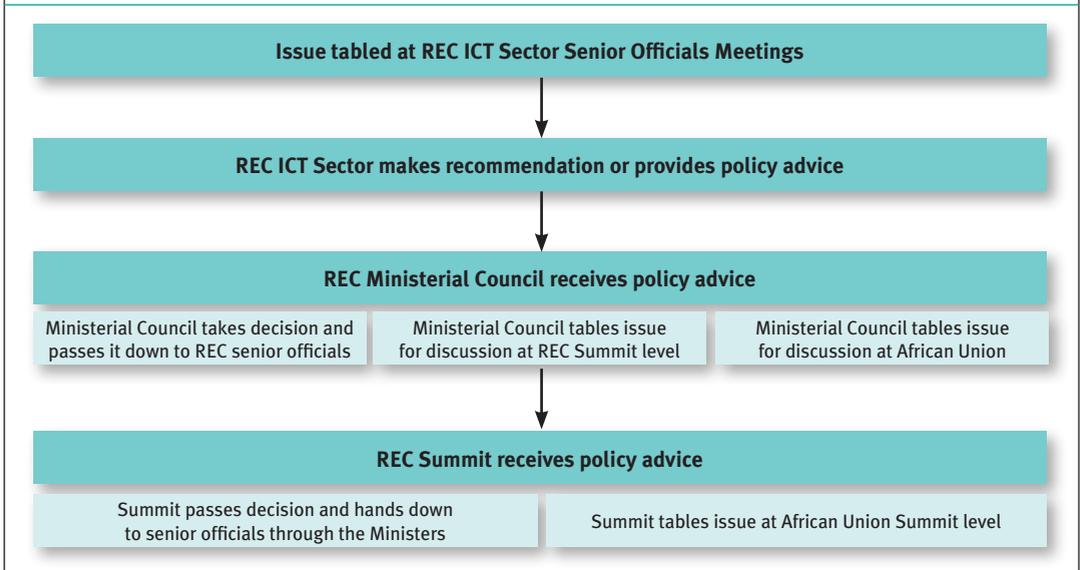
4 www.sata-sec.net

5 From Nyirenda-Jere, T. (2015). *Structuring of Regional Internet Governance Forums in Africa: Impact on effectiveness*. University of Malta. <https://www.um.edu.mt/library/oar/handle/123456789/12729>

6 <https://www.diplomacy.edu>

7 www.bits.org.bw

8 The communiqué was drafted on 20 October, hence the name “2010 in 2010”.

FIGURE 1.**Regional Economic Community (REC) policy processes**

of Southern African people in issues of Internet Governance.”⁹ An ad-hoc Committee led by the NEPAD Agency was established, and through this, the SAIGF was launched in 2011 with the endorsement of the SADC ministers responsible for ICTs. The inaugural forum was held in 2011 in Johannesburg, South Africa, and co-convened by the NEPAD Agency,¹⁰ the Association for Progressive Communications (APC)¹¹ and the Southern Africa NGO Network (SANGONeT)¹² under the auspices of the SADC Secretariat.

The endorsement of SADC and the partnership between the NEPAD Agency, APC and SANGONeT as co-convenors of the SAIGF were important and deliberate elements in the structuring of the SAIGF. Through SADC, it was expected that the SAIGF would have some measure of legitimacy, and issues discussed would find their way through the more formal policy-making processes of the region and continent at large, while the partnership would help with multistakeholder participation.

With regard to policy impact, there have been four SAIGFs held to date¹³ and in each instance a report of the meeting has been included in the agenda of the SADC ICT Ministers’ Meeting – for the most

recent meeting, SAIGF-15, the report is included in the record of the 2016 ICT Ministers’ Meeting. While the SAIGF submissions to the ministers do not include explicit policy recommendations, they serve to highlight the main issues that are being discussed at a regional and continental level, and recommendations emanating from the SAIGF would be tabled through substantive agenda items on the issue at hand. It is interesting to note that the directives given by the ministers on SAIGF are mostly around its operationalisation and the establishment of national IGFs in the region.

One impact of the SAIGF has been to encourage the establishment of national IGFs, and currently close to 50% of SADC member states have a national IGF. When it was set up, two countries had national IGFs: the Democratic Republic of Congo through its membership of the Economic Community of Central African States (ECCAS) and Tanzania through its affiliation in the East African Community (EAC). Since then, national IGFs have been established in Malawi (2014), Mozambique (2014), South Africa (2015), Zimbabwe (2015) and Namibia (2017). Botswana and Swaziland have also expressed the intent to organise national IGFs.

On the issue of multistakeholder participation, it became evident that the co-convening partnership between the NEPAD Agency, APC and SANGONeT was not sufficient to address involvement of key stakeholder groupings such as the

9 www.nepad.org/resource/2010-2010-gaborone-communique

10 www.nepad.org

11 <https://www.apc.org>

12 www.ngopulse.org

13 2011 in South Africa, 2013 in Angola, 2014 in Malawi, and 2015 in Zimbabwe.

private sector and academia, and was also not a viable option for sustainability of the SAIGF. Because of this, in 2015, the SADC endorsed the terms of reference for a Multistakeholder Coordinating Team (MCT) which would, among other things, take over the organisation of the SAIGF, including stakeholder engagement, resource mobilisation and follow-up activities. The MCT would have representation from the key stakeholder groups identified by the Tunis Agenda of the World Summit on the Information Society (WSIS),¹⁴ namely government, private sector, civil society, technical community and academia. It was agreed that SANGONeT would take on the role of civil society representation while APC and the NEPAD Agency would remain as observers in the MCT, which would be chaired by the SADC Secretariat. Regional organisations would be invited to nominate members to the MCT. The 2016 ICT Ministers' Meeting record provides a directive on ensuring that the MCT has representation from academia and the private sector, showing that this is still a challenge for the SAIGF.

In 2016 there was no SAIGF meeting and it is likely that in 2017 there will also not be a meeting. This is largely due to the lack of sustainable funding for the forum and may in part be aggravated by the lack of strong links with the private sector. It should be noted that the four SAIGFs held to date have benefited largely from funding from the Open Society Initiative for Southern Africa (OSISA)¹⁵ and funds mobilised by APC, complemented by host country support and some (local) private sector support.¹⁶ The SAIGF has not yet managed to transition to a situation where participants (including government officials)¹⁷ are self-sponsored, and this places a significant burden on the MCT. In the start-up years (2011-2014), the SAIGF benefited from support as part of a wider programme of the NEPAD Agency and the expectation was that over time, stakeholders would begin to absorb the expenses of organising and participating in the forum. While government support, which contributes to logistical costs, would normally come through hosting of the forum, there has been slow uptake in member states offering to host the forum. There may also be reticence on the part of member states to commit direct budgetary support through the SADC to avoid compromising the multistakeholder nature of the forum.

Regional reflection

The SAIGF from its inception sought to derive legitimacy through association with the SADC as a key driver of policy for the region, and this was accomplished through a ministerial endorsement of the forum's establishment: all SAIGFs are hosted by a national government with SADC endorsement. This is similar to the African IGF (AfIGF),¹⁸ where endorsement comes from the African Union (AU). It is worth mentioning that although the SAIGF was the last regional IGF to be established in Africa, the model of association with a regional economic community was seen as a positive development and adopted by other regions.¹⁹

While the SAIGF had some measure of legitimacy from government and civil society buy-in, it did not get the same level of buy-in from academia or the private sector. The issue of stakeholder participation is not peculiar to the SAIGF, although in other regions, it is government participation that is more challenging than private sector participation.

The SAIGF is a catalyst for national IGFs and helps to link national processes to the African and global IGFs. It is expected that as more national IGFs are established in the region, there will be more of a bottom-up process of national IGFs feeding into the SAIGF which would then connect to the African IGF and ultimately to the global IGF. This need has been recognised by the SADC ICT ministers, who have called for sequencing the national IGFs and SAIGF in this regard.

The SAIGF tends to be very formal, with designated seating for government representatives. This can be attributed to the involvement of the SADC Secretariat in the forum and the (mis)understanding of the SAIGF being organised in the same way as other SADC meetings. In such a setting, discussions tend to be more restrained than one would observe in the global IGF, where the atmosphere is less formal. It is hoped that over time and with the maturity of the MCT, the format of the meeting will also change. Lessons can be learned from the AfIGF which, while convened by intergovernmental institutions, has managed to find some middle ground between the formality of the AU and the informality of the IGF.

There is limited use of social media by the SAIGF and sustaining communications post-event appears to be a challenge; there are no mechanisms to continue engaging stakeholders between events. The SAIGF does not yet have a dedicated website²⁰ and

14 <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

15 www.osisa.org

16 The 2014 SAIGF also benefited from support from a global multinational company.

17 To date, only South Africa has not required support to participate in SAIGF meetings.

18 afifg.org

19 The African Union and NEPAD Agency have since 2012 used a regional ICT coordination mechanism to advocate for participation of the RECs and specialised agencies of the AU in both the regional IGFs and global internet governance processes.

20 A domain name was procured and this needs to be transferred to the MCT to set up and manage the SAIGF website.

does not feature on the SADC website, despite the fact that the SADC serves as its secretariat. The SAIGF releases a media statement at the end of each meeting through the SADC and has in some instances issued press releases through the NEPAD Agency prior to meetings. The SAIGF has also established a relationship with a regional media association – the Media Institute of Southern Africa (MISA)²¹ – and it is hoped that this will improve media coverage and communication.

The SAIGF has adopted a process of mirroring sub-themes of the global IGF in drawing up its agenda; the agenda is set by the MCT and it is not evident whether any stakeholder consultation is undertaken. Each SAIGF meeting provides recommendations on the various sub-themes; however, these are not distilled into key messages or priorities for action. This poses a risk in terms of appropriate mechanisms for follow-up and follow-through, since there is no action plan to determine who must act on specific issues and by when. For some issues, the recommendations find their way into substantive agenda items for the ICT Ministers Meetings, but there is no mechanism to track which recommendations are actually acted on.

Conclusions

The co-convenors of the SAIGF made a deliberate effort to link it to the SADC so as to provide a strategic interface to policy processes in the region. As such, the SAIGF is included in the ICT Ministers' Meeting agenda and has served as a model for other regional economic communities to embrace their regional IGFs. The SAIGF has strengthened some aspects of its operational structure and has also enjoyed some success in catalysing national IGFs.

Several challenges remain for the SAIGF, the first of which is to strengthen its legitimacy through increased participation from the private sector and academia. The second challenge is to enhance its meetings by creating meeting spaces that do not have undertones of formal SADC meetings. Lastly, the SAIGF needs to transition to financial sustainability through self-funded participation, commitments from member states to host the event, and a resource mobilisation strategy executed by the MCT.

The SAIGF was structured to deal with a common problem facing national and regional IGFs: the involvement and participation of government and the linkage to policy processes. A tacit assumption was made that with government buy-in, the involvement of other stakeholders was guaranteed. An

enduring lesson from the SAIGF is that stakeholder buy-in and engagement should include all stakeholder groups from inception.

Action steps

The following measures are suggested for the SAIGF:

- Promote the engagement of the private sector and academia. The endorsement of the SAIGF by the SADC is a big boon which has made government participation much easier than in other IGFs. The SAIGF has also benefited from the involvement of APC and SANGONeT to draw in civil society participation. Noticeably absent is the participation of the private sector or academia, and this should be the focus of the multistakeholder committee.
- Civil society needs to continue back-stopping regional IGFs in terms of framing issues, providing content and mobilising support. The diversity of civil society actors and their ability to track different issues in internet governance spaces makes them a valuable asset for the regional IGFs.
- Capacity building should be an ongoing part of strengthening regional IGFs. A survey done by the NEPAD Agency on the margins of the 2015 African IGF revealed that priorities for capacity building were in the following areas: internet policy, cybersecurity, content policy, cultural diversity, privacy and data protection, copyright, jurisdiction, e-commerce and e-money, access policy and virtual currencies. Dedicated capacity-building events alongside regional IGFs could be one way of addressing the capacity needs and gaps.
- Mechanisms should be developed for prioritisation and follow-through on issues and recommendations. The outcome documents of regional IGFs are rich with recommendations. However, from one forum to the next, there are no established mechanisms for identifying what progress has been made with these recommendations. It is important that when the recommendations are being made, as far as possible, a few should be prioritised for implementation and some lead actors identified to take responsibility for these priority recommendations. There are some who argue against such an approach as diluting the “non-decision-making” flavour of IGFs. However the counter-argument is that without tangible results emanating from the forums, their relevance becomes questionable.

²¹ misa.org

Country reports



“Where everyone can ask a question...”

Alan Finlay

There are 40 country reports collected in this edition of Global Information Society Watch (GISWatch) – these are preceded by seven regional reports offering perspectives on regional governance forums in Asia, Europe, Africa, Latin America and the Caribbean, and the Arab region.

While authors were encouraged to write about their experience of national and regional internet governance forums (IGFs) – or, in the case of countries like China, Serbia, Yemen, and the Seychelles, the absence of IGFs – the approach they took in understanding and evaluating the forums was up to them. Included here are stocktaking exercises, organisational reviews, interview-based surveys, stakeholder analyses, polemics and personal reflections, amongst them.

Although we might talk of an IGF “community”, these reports show that the participants in this community face radically diverse experiences and contexts – financially, economically, politically, in terms of capacity, networks they can draw on, and knowledge. As a result, their agency and ability to influence national and regional internet governance mechanisms is markedly different. This whether setting up a forum from the Washington DC Beltway or in post-revolution Tunisia; in Colombia, described as “a country with great social challenges – including when it comes to constructing the space for discussion,” or in India, an exponentially expanding economy, whose drive to digitisation is experienced as “coercive”; or Bosnia and Herzegovina, which suffers “deep gender inequality” and violence.

In the Democratic Republic of Congo (DRC) the first IGF “started two hours late. The owner of the hall refused to let people in as the organisers had not finalised the contract to rent the hall for the two full days of the forum. The doors were only opened when the hall manager received a guarantee that the fee would be paid eventually.”

“This,” writes the organisation Si Jeunesse Savait, “says a lot about the struggle of convening a national IGF in the DRC.”

Yet despite these differences, several similar concerns stand out in the country reports:

- *A struggle with inclusion:* Typical “core stakeholders” found at IGFs are governments, the private sector, the technical community and civil society, with some authors also listing academia and the media. Within these “sectors”, frequently absent are women, young people, minorities, and poor and rural communities. Further marginalisation occurs through language, and a lack of knowledge and technical know-how – and through ignorance, either of the importance of internet governance, or even that the IGF exists, despite it encouraging open participation.

“Why don’t we know about these things?” an Uber driver asks the author during an Internet Corporation for Assigned Names and Numbers (ICANN) meeting in South Africa.

Authors see the need to connect with “non-traditional” actors who have a stake in internet governance. In Kenya, KICTANet says these include “mainstream human rights organisations, the health sector, the financial sector, agriculture, and manufacturing.” Similarly, in Latin America and the Caribbean, the agriculture, health and environment sectors are important.

Reports are critical of a convergence of perspectives at events, the “same people speaking to the same people.” More inclusive multistakeholder discussions does not necessarily mean “more people”, but a deeper representation of more diverse positions. There is a need to take risks. Although EuroDIG has grown over the years, “[t]he debates have progressively become less constructive with more and more participants more worried about illustrating their positions than building common ones.”

BlueLink.net argues that in Bulgaria, stakeholder diversity must go beyond ticking the boxes of “government”, “business” and “civil society”: “The government has also been clever enough to create its own quasi-NGOs that look independent, but which are controlled by insiders,

to give a sense of credibility in the policy-making and implementation process, while drawing on state funding.”

Alternatives highlights the absence of indigenous communities in Canada from internet governance discussions, suggesting that IGFs can replicate exclusions found elsewhere. “The exclusion of stakeholders such as women, youth and persons with disabilities is [...] the cause for the failure of development,” writes the Senegalese organisation Jonction.

- *Specific mechanisms are necessary to ensure balanced participation:* It is not sufficient to have an “open” call for participation and expect participants to be “multistakeholder”. As the Colombian Bureau of Internet Governance finds, “more efforts are needed to expand the coverage and diversity of [...] conversations.” Amongst others, the Bureau envisages a “permanent” presence in the regions “where it is most strongly needed to encourage citizen participation in decision-making processes related to the use of the internet.”

EMPOWER writes that in Malaysia “[i]t is unrealistic to expect civil society or activists who are less well-resourced to be able to present or reflect their stories in the international arena [...] there is a lack of immediate relevance of the IGF to their struggles, there are language barriers, and there is a competitive workshop selection mechanism.”

“Convening preparatory meetings, renting the forum’s venue, providing food for the attendees, paying for the panellists’ per diems [...] require huge means that are out of the reach of civil society organisations in Cameroon,” writes PROTEGE QV. “This immediately puts them at a disadvantage in terms of equal participation in the IGF.”

Capacity building and awareness raising are critical to strengthen stakeholder engagement. In the Republic of Congo, a survey of young people including government officials “revealed that 90% of respondents do not have any knowledge of internet governance,” while in the Seychelles, the importance of inclusive, multistakeholder internet governance needs to be promoted.

Capacity-building activities include holding Youth IGFs and running pre-events at regional forums, holding special capacity-building sessions during a national IGF (see Colombia), and working with the media in order to improve

coverage of a forum (see Uruguay). Reports – including those from Bosnia and Herzegovina, Paraguay, Argentina and South Africa – suggest that universities have a key role to play, and relevant school-level programmes need to be developed.

- *A successful forum depends on commonly held ideas of citizenship and democracy:* Active participation is dependent on the willingness of stakeholders to participate, which draws on ideas of agency, citizenship and democracy. In some countries there is a sense of apathy that strikes against active participation in people-centred policy making over matters that impact directly on citizens’ lives. In Serbia, write the authors from SHARE Foundation, “it is not that some stakeholders are excluded, but many [...] do not even want to join the conversation out of a lack of desire or interest. They see such conversations as irrelevant outside of government.” In the Republic of Congo, “[m]any believe that it is up to the state alone to decide on the future of the internet.”

“For them,” AZUR Development writes, “the government should decide everything.”

- *Governments can be an unstable and unpredictable stakeholder:* As a pivotal stakeholder in national and regional internet governance deliberations, the attitude of governments to IGFs can be unpredictable. As the Foundation for Media Alternatives (FMA) found in the Philippines, the government may shun a local IGF meeting, but send delegates to international forums, such as those run by the International Telecommunication Union (ITU), ICANN or a regional telecommunications body. Or a government may allow itself to be unduly influenced by the private sector “which has an interest in keeping regulators away from multistakeholder dialogues,” the organisation observes.

Governments may harbour resentments towards civil society, or other stakeholders. Pakistan shows how the IGF can be derailed by ongoing “hostile” policy-making processes, in its case the passage of a cybercrime bill.

It can be a problem if government officials leave their posts in institutions, abandoning any continuity to a nascent IGF. In Peru: “At the end of the event the members of the organising committee did not keep up communications; some left their positions at their institutions and there were no further meetings.”

It can also be a problem if officials remain in their positions, as is the case in Bulgaria, which “enjoys a stable pool of policy makers [but] this is not a positive sign, as this stability is associated with crony relationships and a lack of motivation for radical reform.”

- *Civil society has to assess its commitment to openness and to working together:* Civil society is dealt with critically in a number of reports, and can be a bottleneck to positive progress in internet governance. While in Ecuador “actors have complained about the co-option of organisations,” in Argentina civil society organisations are described as “absorbed in their own projects” and “focused on international events” rather than on the “construction of [governance] spaces.” In Pakistan, “competitive activism ... pitches activists against each other in competition for the same pool of resources.” In Cameroon, civil society is “divided and plagued by internal discord.”

This, the author remarks wryly, “hardly helps the situation.”

- *There is an anxiety of impact – but as reports suggest, showing impact is a slippery affair:* Despite the recognition that the IGFs are not decision-making forums, questions to do with the concrete impact of the event remain. Reports show it is possible to put mechanisms in place that are likely to maximise influence – such as holding intersessional meetings (see Colombia for a good example of this), ensuring institutional buy-in into the event (EuroDIG, with the participation of the European Commission and Council of Europe, perhaps an extraordinary example of this), or even through increasing the diversity of stakeholders and issues confronted at an IGF. Concrete follow-up mechanisms are also mooted, such as an “impact review” that tracks recommendations for the extent to which they were actually implemented or tabled by the relevant legislative bodies (again, see EuroDIG). Political will plays a significant part in the impact mix: “[A] failure [of IGFs] with respect to concrete policy outcomes is not necessarily the fault of the forums,” writes BlueLink.net, “but of the national commitment to creating these outcomes in the multistakeholder environment that is available. To a certain extent, the IGF works for countries that already have good governance and working relations between stakeholders [...] and is less effective in countries where these are absent.”

Impact is also related to usefulness, and in some countries activists need to ask: Is there a need for an IGF? “How much impact does the [South Korea IGF] have on the policy-making process? Not so much,” writes Jinbonet. “Part of the reason is that there are many alternatives for discussing internet governance in South Korea. [...] One can attend almost any workshop anytime if you have the interest and on almost any topic – especially in a small country like South Korea, where you can travel to the other side of the country in half a day.”

A similar situation is found in New Zealand. “The NetHui format has attempted to develop outcomes, but with limited success,” write the authors. “[T]he public policy-making process in New Zealand is already open and accessible and a new forum to directly shape those processes was not seen as necessary.”

In Togo, getting stakeholders to be responsive to policy windows in a collaborative way is a significant result of multistakeholder engagement. Stakeholders are “motivated” to “deepen the debates on mailing lists [...] to produce more recommendations for policy and legislative change in the country.”

But in countries like Nigeria this is not sufficient: “In the Nigerian context, describing recommendations as merely advisory is as good as asking that they should be ignored.”

A space for addressing imbalances in society

What is obvious from all the reports gathered here is that running a successful IGF is difficult – open, transparent, inclusive and meaningful discussions are not easy to achieve. IGFs are also not typically robust – and many lack sustained interest from stakeholders or funding. Brazil and Turkey show how IGFs suffer under political crisis. In Turkey, participation in the Youth IGF dropped off following a state of emergency, because young people feared “investigation or interruption to their businesses by authorities.” “Several participants who joined the meeting also asked to be excluded from lists, photographs and records of the meeting for similar reasons,” the author writes.

Many reports describe crumbling attempts to get IGFs off the ground – the first national IGF in Costa Rica was “half-a-day long and showed low participation,” despite the country hosting the regional IGF the previous year. The IGF in Italy is “nothing more” than an annual gathering: “a two-day event, with random preparation process and

with no follow-up.” Although billed as a sub-regional event, the Central African IGF held in Kinshasa in 2013 had a mere 40 people in attendance, and “the only country other than the DRC represented was Cameroon, and it by only two civil society delegates.”

Yet despite many of these challenges, the IGFs are also useful and even critical mechanisms of deliberation, for learning and capacity building, creating essential links and building networks and partnerships, and, even, for some, influencing policy.

“It is worth turning around when there are false starts,” the authors write of the troubled forum in the Arab region.

In Italy, despite the apparent haphazardness and lack of follow-up, there is something still worth pursuing: “[T]he absence of structured dialogue [means] government institutions will decide for the country at international forums on their own; and businesses will do the same in their international associations and initiatives.”

The IGF can – perhaps most importantly – serve as an opportunity to counterbalance inequalities and exclusions that exist in society, and offer some measure of remedy to those imbalances. “The [South Eastern Europe] region faces problems that are different from those found in Western and Central Europe,” writes One World Platform, “and as a result, these challenges are not widely talked about.” An absence of young voices in internet governance can be counterbalanced by holding Youth IGFs. In Senegal, the absence of women in the policy-making process means that “gender should be at the heart of the priorities of the IGF.”

Forums can be “safe spaces” for vulnerable groups, allowing them to engage openly in discussions, free from the threat of “harm and violence” (see New Zealand and Bosnia and Herzegovina). The IGF is a space where “everyone can ask a question, and all must answer,” writes Nodo Tau. It offers a way, says One World Platform, to enact a “real democracy.”

ARGENTINA

BEING PART OF THE DEBATE: THE CONSOLIDATION OF A LOCAL MULTISTAKEHOLDER SPACE FOR INTERNET GOVERNANCE IN ARGENTINA



Nodo TAU

Florencia Roveri
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Introduction

This report analyses the process of building the national Internet Governance Forum (IGF) as a multistakeholder space for internet governance deliberations in Argentina. It is based on several interviews with actors in the local internet environment who participated in the IGF, as well as on session reports from the event.

Argentina's first IGF was held in October 2016. All stakeholder groups in the local internet environment participated in the event – which was seen as a breakthrough in the internet governance space in the country. But the event was not without its challenges.

To what extent was the multistakeholder approach successful? Who was left out? Did the event influence the local policy-making environment? And what improvements are necessary as we work towards the future?

This report suggests that while the IGF has been successful in starting to build trust between different role players, there remains a need to reach out to more diverse stakeholders, including marginalised and grassroots groups.

Policy and political background

Argentina was first connected to the internet through universities. In 1987, a group of engineers from the Computational Department of the Faculty of Exact and Natural Sciences at the University of Buenos Aires established the first national connection to the internet using the communication protocols of the Unix operating system.¹ Some of them were involved in a process of modernising the communications infrastructure of the Ministry of Foreign Affairs, who became interested in the possibilities of internet connectivity, as rudimentary as it was at the time. The ministry also had the funds to pay for the daily international calls necessary to be

connected to the internet. While the university did not have these resources, they did have the technical capacity.

It was this ministry that later represented Argentina in the Governmental Advisory Committee (GAC)² of the Internet Corporation for Assigned Names and Numbers (ICANN), as well as at the start of the World Summit on the Information Society (WSIS) process. Within the Ministry of Foreign Affairs, the government created NIC.ar (the Argentine Network Information Centre) for the registration and administration of domain names, under ICANN. NIC.ar has taken a leading role in representing Argentina in international technical forums.

Another relevant actor in the internet governance landscape was born in the late 1980s. CABASE,³ the chamber of telecommunications service providers, was created in 1989. It is still a key player and also co-founder of other important institutions in the region.

Argentina's international participation in internet governance became visible during the WSIS process, with an agenda "focused on the deployment and adoption of new technologies [to address] poverty and the socioeconomic gap, rather than on the political aspects of the international governance regime," explains Carolina Aguerre in a recent paper.⁴ "More recently, a change in policies was seen in relation to goods and services when the state started to intervene not only through regulation but also as a provider of services,"⁵ she says, in relation to programmes such as Argentina Conectada, which provides infrastructure for connectivity, and the development of the national satellite, ARSAT.

Another milestone in the roadmap of internet governance was Argentina's participation in the Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial)⁶ in Brazil in 2014. During the meeting, the government launched the

1 Novick, F. (2014, 18 May). Un cuartito con vista al mundo. *Página/12*. www.pagina12.com.ar/diario/suplementos/radar/9-9733-2014-05-19.html

2 <https://gac.icann.org>

3 www.cabase.org.ar/primeros-en-america

4 Aguerre, C. (2017). Redes de gobernanza de internet a nivel nacional. La experiencia de casos recientes en América Latina. In Del Campo, A. (Ed.), *Hacia una Internet libre de censura II. Perspectivas en América Latina*. www.palermo.edu/cele/pdf/investigaciones/Hacia_una_internet_libre_de_censura_II.pdf

5 Ibid.

6 netmundial.br

Argentine Commission of Internet Policies (CAPI),⁷ which was created to “elaborate a national strategy for the internet and its governance.” The initiative was celebrated, as was the geopolitical decision to launch it during NETmundial. However, it did not last very long.⁸

In December 2015, a new government, led by Mauricio Macri, assumed office. As soon as it did, it shuffled the institutional structure and created two new ministries closely related to information and communications technology (ICT) policies: the Ministry of Communications and the Ministry of Modernisation. A year and a half after its creation, the Ministry of Communications was dissolved in a rather controversial way. During its existence it was involved in the derogation of the Law for Audio-visual Services,⁹ known as the “media law”, in the process of the privatisation of ARSAT, and in the development of controversial regulatory measures that allowed businesses to become more concentrated in terms of ownership.¹⁰

For the past two years, issues related to internet governance have fallen under the Ministry of Modernisation, which includes several directorates that have addressed internet issues.¹¹ The Directorate of Internet Policies and Development was created to “promote multistakeholder dialogue and exchange experiences with other actors and countries with the aim to design and apply internet policies in the country.” In August 2016, the directorate launched a Multistakeholder Working Group on the Internet.¹² Other entities involved in internet policy are the Directorate of Digital Government, the “Digital Country” Secretariat, the Committee for Cybersecurity and the Secretariat of Information and Communications Technologies.

Several participants in the internet environment in Argentina say that the government has a visible role in internet governance, and shows a high level of participation in multistakeholder forums. This was the case in the 2016 Latin American and Caribbean Regional Preparatory Meeting for the Internet

Governance Forum (LACIGF) held in Costa Rica, where Argentina had a significant presence.¹³

In the academic sector, the growing relevance of internet governance can be seen, although it still remains rare in the formal academic curricula. Two private universities have visibility in spheres of internet governance: the University of San Andrés, through its Centre of Studies for Technology and Society (CETyS),¹⁴ which hosts the national IGF secretariat and has very recently launched a Diploma on Internet Governance,¹⁵ and the University of Palermo and its Centre for Studies of Freedom of Expression (CELE), which has organised a series of workshops for organisations in Latin America to discuss regulations, rights and debates related to the internet.¹⁶ The public universities of Buenos Aires, San Martín, La Plata and Córdoba also offer courses on the subject.

In the civil society sphere, there are organisations that lead advocacy work on internet rights which have succeeded in making their voices heard. Fundación Via Libre¹⁷ and the Association for Civil Rights (ADC)¹⁸ are the most visible, but there are others focused on the technical aspects of internet governance or with a community base that also raise awareness and hold debates. There are two policies that have consistently attracted the attention of civil society: first, the law that regulates intermediary liability,¹⁹ and second, the very extended debate – still on the agenda – about the implementation of electronic voting.²⁰

Coming together at home: Achieving a local multistakeholder space

Argentina has consistent representation from all stakeholders in most internet governance and policy debates.²¹ Because of this, different stakeholders have shared spaces and engaged in debates for a long time. Given this high level of engagement, we need to ask: Why did stakeholders feel it necessary to develop a national IGF?

The LACIGF was created at the very beginning of the IGF process. The first meeting was held in 2008

7 Zuazo, N. (2014, 16 May). El Plan del gobierno para regular Internet. *Ambito.com*. www.ambito.com/741056-el-plan-del-gobierno-para-regular-internet

8 Aguerre, C. (2017). Op. cit.

9 servicios.infoleg.gob.ar/infolegInternet/anexos/155000-159999/158649/norma.htm

10 Abrevaya, S. (2017, 12 July). Ahora al cuartel con la satisfacción del deber cumplido. *Página12*. www.pagina12.com.ar/49589-ahora-al-cuartel-con-la-satisfaccion-del-deber-cumplido

11 mapadestado.modernizacion.gob.ar/organigramas/modernizacion.pdf

12 Portal Argentina (2016, 29 August). Se presentó el Grupo de Trabajo Multisectorial sobre Internet. www.argentina.gob.ar/noticias/se_presento_el_grupo_de_trabajo_multisectorial_sobre_internet

13 Roveri, F. (2016, 11 August). El foro sobre internet se reunió en Costa Rica. *enREDando*. www.enredando.org.ar/2016/08/11/el-foro-sobre-internet-se-reunio-en-costa-rica

14 cetysedu.org

15 Diplomatura en Gobernanza de Internet. cetysedu.org/digi

16 www.palermo.edu/cele

17 <https://www.vialibre.org.ar>

18 <https://adcdigital.org.ar>

19 Ferrari, V., & Schnidrig, D. (2015). *Responsabilidad de Intermediario y Derecho al Olvido. Contribuciones a la Discusión Legislativa en Argentina*. www.palermo.edu/cele/pdf/Policy_Paper_Derecho_al_Olvido.pdf

20 <https://www.vialibre.org.ar/category/activismo/voto-electronico>

21 Slotnisky, D. (2015, 6 August). ¿Quién gobierna Internet? *La Nación*. www.lanacion.com.ar/1816509-quien-gobierna-internet

in Montevideo and many Argentines were involved in its organisation from then onwards. After the 2015 event held in Mexico, the Argentine community focused on the possibility of organising a local multistakeholder space. People interviewed for this report felt that the LACIGF is one of the keystones that stimulated the local event.

After returning from Mexico, a group of participants called for a meeting to define an agenda and to start to develop a methodology for a national meeting. On 27 October 2015, the first Dialogue on Internet Governance took place at the University of San Andrés, and involved the face-to-face participation of 40 people and the remote participation of 30. “We chose the dialogue format, inspired by the Mexican experience,”²² said Aguerre, who is a researcher at CETyS and was very involved in the development of the process.

The aim of the dialogue was “to promote a space of debate that helps to shape the use and development of the internet in our country,” with a clear view of the global IGF that was to take place in Joao Pessoa at the end of 2015.²³ The issues addressed in the dialogue were defined in the first meeting and later refined in an open online consultation. They pointed to four areas of discussion: infrastructure and access; internet and rights; cybersecurity and surveillance; and the future of internet governance in the country.²⁴ It was the first instance of open, peer-to-peer conversation in line with the core principles of the IGF.

The dialogue also received economic support from private companies such as Google, Facebook and Fibertel, among others. The funds were mainly used for scholarships for the participation of people from other provinces of the country.

The following year, on 19 July 2016, a meeting took place involving stakeholders that had participated in the first dialogue, in order to define the continuity of the space, and a common agenda for the LACIGF that was to take place in Costa Rica at the end of July 2016.²⁵ During this meeting it was noted that the dialogue format needed to be opened up, and the decision was made to organise the first national IGF in Argentina. One strong point that motivated the local IGF was the importance of

the institutionalisation of governance in the national sphere. This shows that there was an advocacy agenda in the drive behind holding the country’s first IGF.

Reports from this meeting reveal that the exchanges between stakeholders were fluid and intense, and anticipated the discussions at the national IGF. Participants also discussed the formalities of the future national event and created a secretariat and an organising committee, in which each stakeholder would be represented by two members. The ruling principles of the IGF were also defined. They include transparency, openness, multistakeholderism, equality in the participation of each stakeholder and rotating committee members. The committee started to work right after its members returned from Costa Rica.

The first national IGF in Argentina was held on 24 and 25 October 2016 in Buenos Aires, with approximately 200 people participating in person, and another 100 remotely. Most of the funds collected from sponsors (80%) were allocated to 30 scholarships.

The first day was dedicated to understanding issues, capacity building sessions that addressed the state of the internet governance situation in Argentina, the principles and architecture of the country’s internet, a review of institutions of governance, society and rights, private sector initiatives currently in development, and regulations, among others. The second day was organised into sessions and three roundtables that created much more debate than the previous day’s sessions. The sessions addressed the digital economy in Argentina, human rights, freedom of expression and privacy, cybersecurity, inclusion and access, and multistakeholder governance. The roundtables were dedicated to critical infrastructures and concentration of ownership, personal data protection, and content removal and cybercrimes.

Evaluating the experience

To analyse the impact of the national IGF, we have gathered the perspectives of several participants from civil society, the technical community, academia and the government: Javier Pallero (Access Now),²⁶ Carolina Aguerre (CETyS), Bernadette Califano (University of Buenos Aires), Elena Ramirez (NIC.ar) and Nicolás Echaniz (AlterMundi).²⁷ We have also included some points that were highlighted in the closing session of the event.

22 Diálogos sobre Gobernanza de Internet en México. www.gobernanzadeinternet.mx

23 Foro de Gobernanza de Internet en Argentina. (2015). Reporte del Diálogo sobre la Gobernanza de Internet en Argentina 2015. igfargentina.org/20151027.php

24 Ibid.

25 Foro de Gobernanza de Internet en Argentina. (2016) Pre FGI Argentina. Reunión de Definición de Agenda. igfargentina.org/assets/docs/igfargentina-20160719-agenda.pdf

26 <https://www.accessnow.org>

27 <https://www.altermundi.net>

Aguerre highlighted the importance of the process of formalising a national IGF. She underlined the increase in participation by the government, which she said showed a strong interest in a multistakeholder way of working. When asked about impact of the IGF on government actions, she said that no concrete policies or regulations were directly influenced by the Argentina IGF. However, she emphasised that the IGF clearly had an impact on the government's network of contacts – seen in the participation of stakeholders at government presentations, or the government stakeholder consultations that arose from the event. She also mentioned that people appreciated the possibility of close interaction with government functionaries, “because they were there and they had to answer questions.”

However, she said there was a gap in attention given to the needs of the academic community. “We feel that there was a gap in relation to this issue. There are professionals, researchers or advanced students that need to study in this field but curricula do not reflect this yet.” There nevertheless is interest and initiatives are starting to emerge, including diplomas and post-graduate studies being offered. It was difficult to measure the levels of participation of academia due to the fact that in Argentina, few people live off their academic work – so they often declare other roles as their primary work when asked, or say they are academics when most of their work is done in other sectors.

Aguerre is critical of civil society participation: “They are absorbed by their own projects and more focused on international events.” She says that although “working for governance implies the construction of spaces,” there are some organisations that work consistently on issues, but do not participate in the construction of local spaces. She felt that the private sector was very committed to the process. “They are interested in its development because they appreciate this opportunity of contact with other stakeholders and the sharing of knowledge of how the internet works.” However, she added that the private sector should be analysed in more detail, because it involves a wide variety of actors.

Aguerre mentioned the lack of continuity following the IGF. “An event only for the sake of the event is not enough. It should acquire an intersessional dynamic of work that commits all sectors, because the sustainability of the space depends on that,” she stressed. “We should have a clearer vision about the general interest in the space and the public's interest. This may help the community to value it. If we arrive at the conclusion that nothing changes if the space does not exist, we will be doing

useless work.” She believes, however, that if the national IGF did not exist, there would be a weakening of the space for multistakeholder discussion and the visibility of internet governance issues.

Javier Pallero, from Access Now, an organisation representing civil society in the IGF's organising committee, gave a positive evaluation of both the quantity and quality of participation. “The debate was deep in the treatment of issues; although, considering the situation of people not being very deeply involved in internet governance, it was kept at a mid-level to involve all voices.” He defined government involvement as being in line with previous years: “Although it assisted in relevant areas, its commitment was not much more than in previous years [i.e. at the Dialogues].” However, he says NIC.ar was an exception in this regard.

While Pallero felt that civil society participation was good, he said it needed to be improved. “Argentine civil society working with digital rights is very active, but it lacks communication with the sector. It would be necessary to achieve better spaces of participation, even more so in a context in which government is not listening to us.” For Pallero, the coordination of actions is a challenge. “Although we have different agendas, we search for common goals, which are the realisation of rights and legal protection, and we all do advocacy to push our agendas in the public sphere.” He also mentioned that it was a challenge “to overcome the intransigence of some groups that hinder the agreements.”

Bernardette Califano, a researcher and university professor, defined the IGF as “an opportunity to enlighten society in debates related to internet governance, but more specifically in the mechanisms and regulations to do with the internet that people do not question when using it every day.” However, she noted that the debate remained at a rather abstract level, which was difficult to understand for non-specialists. She felt that this is especially due to the fact that although the forum is attended by different stakeholders, they are “always the same people.”

Califano suggested that this resulted in a uniform perspective emerging, with some cases of stakeholders from one sector, such as civil society, now representing a different stakeholder, such as a multinational intermediary. “This made it difficult to appreciate the different positions or discussions in each session. While discussing these issues, we were not exposed to a fruitful multistakeholder debate, since in many cases a common perspective prevails among the actors involved.” She also highlighted that academic participants are mostly from technical or legal sectors, with not so many from the

social sciences, such as political science, sociology or communications. “The contributions of lawyers and engineers are crucial, but they present certain shortcomings when it comes to analysing the socio-cultural dimensions and implications involved in internet governance.”

Other civil society participants have proposed a deeper criticism of the event as it is conceived. Starting with questioning the concept of multi-stakeholderism as it is applied in the IGF, Nicolás Echaniz from AlterMundi said that “the concept of ‘multi-stakeholder’ proposes a vertical division of the sectors, and understanding that concepts of ‘governmental’, ‘academic’, ‘civil’, and ‘private’ are useful categories for settling tensions.” For Echaniz, “All these fields can be divided in a much more useful way for the emancipatory struggle, which is ‘horizontal’, distinguishing the above from the below.” “Google, the US State Department, Freedom House and University of San Andrés most probably will be alienated and represent convergent interests. At the same time, small ISP [internet service provider] cooperatives, the government of Bolivia, AlterMundi and the University of San Martín will most probably have another agenda to share.”

For AlterMundi it is a challenge to find ways of measuring how these events have an impact within excluded communities. “Are there parameters to measure the positive impact of these events on the agenda of those from ‘below’? How can we build a methodology that allows us to read this impact in order to evaluate if it makes sense for us to participate, or if we are only lending our good image to legitimise such spaces?”

Another argument raised by AlterMundi and also expressed by Fundación Vía Libre during the IGF itself is a question about the resources involved in such events. “We should measure the carbon footprint²⁸ to evaluate if these events are worthless, given that they do not promote our agendas. The expenses related to flights, hotels, food, meetings, parties are huge. The relationship between consumed resources versus concrete outcomes reveals a negative discrepancy,” argues Echaniz.

Finally, another strong argument expressed by civil society is the absence of excluded people and vulnerable communities. “They have no voice in the Argentina IGF. It is like a forum of men discussing women’s rights,” says Echaniz. “Only civil society that has a certain level of organisation gets

involved in these [internet governance] debates and participates in these spheres. Key aspects are economic and cultural resources to participate in these events and also the acknowledgement of the debates around governance by civil society generally. So it is also challenging to get stakeholders from the communities to participate, and to allocate resources exclusively to their participation,” he said.

“The most alarming absences are women, disconnected groups and indigenous communities,” he added – a challenge that was also found in the LACIGF in Costa Rica.

When asked about the outcomes of the national IGF, Gabriela Ramírez from NIC.ar highlighted the creation of a space to discuss internet governance issues from a multistakeholder perspective. As regards government involvement, she pointed to the presence of NIC.ar and the Ministry of Modernisation, although the changes in the state structure, with the elimination of the Ministry of Communications, generated changes in the actors involved.

For NIC.ar, she says, “governance has become one of our main areas of work, together with the administration of critical infrastructure and technological projects. We had decided to work together with the whole group of actors in our own projects such as Internet Recorre²⁹ and Anycast.”³⁰ As regards concrete impacts of the IGF on policy making, she only says that the IGF clearly shows that the government must participate in the forum. In her evaluation, the level of participation of the community in the IGF still has a long way to go. There is also still a lack of understanding of the issue as well as its economic, social, cultural and educational impact.

In terms of challenges, she pointed to the need to understand the model of participation, including the aim of “bottom-up” participation, and the dynamic of consensus. As specific challenges for government, she mentioned the inclusion of all actors in legislative debates. “Although they are consulted in legislative proposals such as those dealing with intermediary liability, convergence and personal data protection, these spaces are only starting to happen.” As a specific challenge for the technical community, she mentioned participation in the deployment of IPv6, and more involvement in the Internet Engineering Task Force (IETF)³¹ and in the sphere of cybersecurity.

28 Oghia, M. (2016, 6 October). The Internet’s Climate Quandary and the Inconvenience of Practicing What We Preach. *Circle ID*. www.circleid.com/posts/20161006_the_internets_climate_quandary_inconvenience_of_practicing

29 <https://nic.ar/nic-argentina/internet-recorre-ir>

30 <https://www.lactld.org/anycast>

31 <https://www.ietf.org>

A balance of power: Achievements and challenges

The main achievement of the national IGF was the fact that it pushed internet governance onto the public agenda and that some measure of synergy emerged between civil society, the private sector, the technical community and academia. However, with the exception of NIC.ar, the government participated but was not fully engaged in the discussions. The national IGF also allowed the opportunity to listen to stakeholders, and to understand their perspectives on essential and specific issues, such as the relation between state and market, the conception of access, cost effectiveness and rights.

Widening the scope of the IGF – both in terms of content and participants – was mentioned as a challenge. There was a need to increase the participation of stakeholders outside of Buenos Aires province in the event and to address gender issues and balance in the panels. There was no participation of any gender movement in the IGF and gender was not even mentioned as an issue. Similarly, it was necessary to attract other groups such as programmers and free software communities from the technical community, members from the legislature and judiciary (on issues like cybersecurity and the blocking of sites), and disconnected groups or communities such as indigenous communities. It was also mentioned that it was important to include user organisations to represent users' interests. Users should be aware of internet governance debates that impact on the openness or limitations of the internet access they enjoy.³²

The balance of power was an issue in itself during the IGF in relation to the involvement of the government and the strength of civil society, particularly with regard to discussing public policies. Enrique Chaparro from Fundación Vía Libre mentioned that the consultation mechanisms that the government applies are used to legitimise their decisions, rather than showing a commitment to real participation. However, Julián Dunayevich from NIC.ar mentioned that sectors such as the technical community cannot be sidestepped when thinking about public policies. Unlike governments, they have continuity over time.

The next Argentina IGF³³ will be held in November 2017. At the beginning of 2017 a call for new representatives in the organising committee was launched. Challenges such as creating a more formal structure for the second event are also receiving attention.

Regional reflection

When asking about the origins of the national IGF, the answer is recurrent: the LACIGF. National stakeholders get together at the different regional events, as well as at the global IGF, even before they start to interact locally. In the case of Argentina, Mexico's regional IGF in 2015 was a defining event.

At the same time, when defining the necessity of a national IGF, it was argued that it is important to improve Argentina's participation in the global IGFs. The first meeting in Argentina drew on the regional IGF with the intention to create coordinated positions representing the local internet community that could be taken to the global IGF.

Local actors feel that the global IGF is rigid and very structured. But most stakeholders agree that the national IGF has helped in strengthening participation in the global IGF, as seen in the global meeting held in Mexico at the end of 2016, which took place soon after the local event. Ramírez said that "Argentina was shown as an integrated group." All participants highlighted the value of having the opportunity to share their experiences during the session on National and Regional IGF Initiatives (NRIs),³⁴ where they were represented by the National Directorate of Internet Policies and Development.

For Aguerre, the national IGF legitimises actors that are working in the different areas. "We could participate in the NRIs session in Mexico because we organised the national event. If not, we would have had no access to those five minutes of microphone time we had in the global IGF, nor the visibility involved in such participation. In this way we were better able to make our issues heard." Aguerre also underlined that "the absence of people from Latin America is very visible" in global IGF events – "not only individuals, but also organisations," she said.³⁵

The case of the regional event is different. The LACIGF has particular mechanisms with a strong representation from civil society, even including the participation of local stakeholders from Argentina in its organisation. In the Argentine case, however, this participation is not locally coordinated. Some participants even observed that local organisations are more committed to the regional edition than to the national one, due to their previous participation. This means that a coherent local perspective is hard to develop for the regional event.

The 2017 LACIGF in Panama was important for Argentina. Pallero mentioned that Argentine

32 Slotnisky, D. (2015, 6 August). Op. cit.

33 igfargentina.org

34 <https://www.intgovforum.org/multilingual/content/igf-2016-day-2-main-hall-national-and-regional-igfs>

35 igfargentina.org/assets/docs/igfargentina-20160719-agenda.pdf

stakeholders had strong participation. He regrets, however, that there was no opportunity to share the national experience. He said this may be related to the fact that the national IGF was not able to produce a document summarising the topics discussed, the perspectives shared and conclusions reached. “This input could serve to bring the ‘national’ positions to the LACIGF, always taking into account that we cannot make ‘official’ statements because that is beyond the scope of dialogue spaces like the IGF.”

Conclusions

Argentina has experienced a flourishing of spaces in which internet-related issues are discussed. However, the governance of these spaces is always a challenge. The local IGF has raised similar debates found in other areas in relation to levels of participation, to the outcomes of these events, and to the true representation of stakeholders. At the same time, the national IGF is valued as a space in which technologies, policies and regulations can be discussed at the same time, involving all the perspectives; it is a common sphere in which everyone can ask a question and all must answer.

The assessment of the participation of different stakeholders varies. The technical community is seen as particularly committed to the construction of the internet governance space. In this sense, it was felt that the difficulties that arose from a sense of discontinuity in discussion, in delays in decision making or in getting projects off the ground, could be solved by giving the technical community more influence. The challenge is to define mechanisms that guarantee continuity, no matter the changes of governments.

The national IGF was a firm step forward in this sense. However, the space also convened an established group of people that have become experts in the issues they follow. This has the potential to narrow the internet governance conversation, and to produce uniformity in perspectives. This fact, together with the critique of sector-based

multistakeholderism as a questionable concept in terms of practical value, are the more controversial aspects of this analysis. One thing that the Argentina IGF achieved was the start of building trust between the actors, derived from a shared view of the issues and challenges. Although each stakeholder group still has a vision of its own, this only enriched the debate. A collective debate allows us to understand what the others want and to see how to generate synergy between the parties. However, the participation of all people affected by the issues needs to be achieved.

In parallel, each country has different realities, different needs, unequal levels of development. Understanding where the internet is going – being part of the debate – allows everyone to think about the local situation and to think about how we can work together.

Action steps

The following action steps can be suggested for Argentina:

- It is important to make local actors from civil society more visible, to understand the issues they face, their agendas and expertise, in order to include more diverse perspectives from civil society organisations in the national IGF. For instance, this could involve organising meetings for civil society stakeholders to discuss and assess the importance of the Argentina IGF for local advocacy agendas. At the same time, it is necessary to define strategies to improve the inclusion of local civil society agendas in the global IGF.
- There is a need to continue to analyse the strengths and weaknesses of current and future IGFs with other stakeholders (government, academia, the private sector and the technical community).
- The content and outcomes of the national IGF should be shared in an accessible manner with our local communities.

AUSTRALIA

DOING THE RIGHT THING



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Introduction

Before there was internet governance in Australia there were a handful of people, mostly blokes,¹ who would decide how certain types of information would be technically distributed, to whom it would be distributed, and where the means to decode and distribute that information existed.

Some of these people would come to be known as “wizards” while others were cantankerous volunteers to whom we would have to send our domain name applications. These people decided whether you were an authentic applicant or not, whether you had the right stuff to be privileged with a domain name that ended with the letters “a” and “u”. These were the days when web addresses splashed on the side of a bus were still a novelty and hashtags were entirely unheard of outside Internet Relay Chat.²

By the mid-1990s, the wizards were tiring of the thousands of domain name applications they and their volunteer teams had to process. There were few if any means to dispute their decisions. While by this stage policies and procedures had evolved, they had done so among an international fraternity that knew and trusted each other. This was about to change, and when it did, working out how to govern the internet was to become a serious and necessary undertaking everywhere.

In Australia, doing the right thing meant the wizards relinquishing trust to authorised bodies.

This is their story: how they and the new institutions that replaced them influenced internet governance both nationally and regionally, and what we can look forward to.³

Background

It was being taught how to prepare a Spanish omelette in a Melbourne kitchen that drew me to the work of community internet activist and writer, the late Chris Nicol. As he shared stories from his beloved Barcelona, we drifted towards his writing on information and communications technology (ICT) policy and how to inspire communities to engage with it. His view was that ICT policy matters to everyone, that the means to understand it and how to engage with it ought be a collective effort, from all manner of civil society actors. Their involvement would stimulate policy debates that are as accessible as they are meaningful:

Getting involved in [ICT] policy-making has not been a priority for most people, even those who are generally active in other areas of public policy. It often seems removed from our daily experience, and technically complicated. Yet new communications media are becoming so important that we cannot continue to ignore them.⁴

Getting involved in internet governance is just what individuals and small teams from Australia have done since the early pioneering days of the internet. They have been doing what one of Australia’s internet pioneers and active internet governance forum participant Paul Wilson⁵ describes as bringing a “modern agenda” to the sector, along with sound knowledge and strong negotiating skills, a case of “doing the right thing” at many levels.⁶ But doing the right thing within international arenas does not always translate into national policy, as we shall discover. Doing the right thing also meant that the wizards who developed Australia’s internet infrastructure, the AARNET, had to be brought into a more institutional-like setting.⁷

1 Blokes is an Australian colloquialism for men.

2 Also known as IRC. The “#” was used to categorise interests into groups. Now referred to as the hash symbol, it was originally known as the “pound” sign.

3 This report is based on my own experience as an internet activist, and on the answers to questions I posed to several stakeholders while writing.

4 Nicol, C. (Ed.) (2003). *ICT Policy: A Beginner’s Handbook*. Association for Progressive Communications. https://www.apc.org/sites/default/files/policy_handbook_EN.pdf

5 Paul Wilson was a co-founder of Pegasus Networks, establishing its technical services and leading the development of numerous innovations in community computer communications in Australia and Southeast Asia and with partner networks throughout the then-emerging Association for Progressive Communications.

6 Email interview with Paul Wilson, director general, Asia Pacific Network Information Centre, July 2017.

7 Williams, L. (2003). Internet Governance in Australia: Modelling Self-Regulatory Structures in the Domain Name System. (3), 1-13.

Australia has held five national Internet Governance Forums (IGFs) since 2012. Stakeholders from technical communities and civil society have participated in the global IGF since it was founded in 2008. Its own internet governance practice can be traced back to the management of the letters “a” and “u”. As the new regulatory arrangements for the management of the internet internationally were still evolving, individuals such as Robert Elz were known to wield significant influence over these matters. Elz held administrative responsibility for the letters “a” and “u” since 1985, and delegating their use was often characterised as *ad hoc* or on a “rough consensus” basis, processes little understood by anyone outside the technical communities that controlled these resources.⁸

Among other achievements, Elz, one of Australia’s original wizards of the internet, provided the delegation of domain names for free. In fact, all of the wizards pioneering the internet and the policies that were to govern its early days in this country were not interested in commercial outcomes. This was possible when the number of web pages in Australia could still be counted by the few services who hosted them. I can still recall a time when it was possible to visit every web page that had until then been published.⁹ But by the mid-1990s, with businesses increasingly seeking an online presence, Elz found the task of handling the rapid increase in domain name requests no longer manageable. As such he licensed the management of the letters “a” and “u” to Melbourne IT,¹⁰ a commercial enterprise originally founded by Melbourne University. Both parties agreed on a five-year licence, during which time Melbourne IT commercialised the .au name space which eventually led to the creation of a single regulatory body that would ultimately be responsible for it.

In October 2001 the Internet Assigned Numbers Authority (IANA) transferred all responsibility for the management of the .au domain space from Elz to the industry policy and regulatory authority, .au Domain Administration Ltd (auDA).¹¹ This was the end of the internet organised, governed and loosely regulated by a patchwork of individuals relying on

their historical associations and technical know-how. A new generation of wizards and wizardesses were mobilising, and they knew inclusivity would be an invaluable ingredient in a fully functional, well-governed internet. Australia was not short of such people, but they would have their challenges.

Doing the right thing: An Australian IGF

In 2012 the auDA hosted the first Australian Internet Governance Forum (auIGF). It did so in an increasingly divisive, punitive and intolerant political climate in Australia. So much so that the United Nations Refugee Agency (UNHCR) has slammed Australia’s regressive stance on both first nations peoples and asylum seekers.¹²

Similarly, the former Australian Human Rights Commissioner Gillian Triggs has described the Australian government as being “ideologically opposed to human rights.” Human rights, she says, are “regressing on almost every front.”¹³

It was in such a climate of despair for the civil liberties hard won decades prior and deserted by a slew of career politicians drawn from the ranks of big business and a minority of powerful conservatives that the auIGF forged ahead. It did so with a progressive programme that would contribute to Australia’s regional and international participation in internet governance matters. What it did there could be characterised by a willingness for transparency and inclusivity, carrying on from the work of former delegations.

From 2012 to 2016 the auIGF was steeped in a broad multistakeholder perspective. University researchers, non-government agencies, ICT regulatory bodies, the regional internet address registry APNIC,¹⁴ the Internet Society (ISOC),¹⁵ internet service providers (ISPs), educators and health professionals, open platform advocates, journalists, politicians and UN delegates filled the two-day annual events. With auDA at the helm, possibly surprising Elz and his maturing wizards, many libertarian voices were given a respectful platform for their views and urgent appeals for better regulation and policy. In particular, representation at the first IGF in 2012 by one of a new breed of internet wizards, former Senator Scott Ludlam, an opponent of Australia’s data retention laws, who has called for

8 Ibid.

9 In 1992, there were 10 web pages on the internet. By 1993, another 120 had appeared, one of them a crude but effective site for Pegasus Networks, and by 1994, my first creative site, the spoken word opera *Black Harlequin*. This consisted of a gallery of digital art and libretto. It was one of the 2,738 sites now on the internet, many of which included websites by other Australians rapidly gaining skills in hypertext mark-up language (HTML), including Max Hawk from Electric Tipi and Glasswings.

10 Melbourne IT is a domain name registrar founded in 1996. <https://www.melbourneit.com.au>

11 Lim, J. (2001, 3 September). .au Delegated to auDA. auDA. <https://www.auda.org.au/news/au-delegated-to-auda>

12 Butler, J. (2017, 25 July). All The Times The UN Has Slammed Australia’s Asylum Seeker Policy. *Huffington Post Australia*. https://www.huffingtonpost.com.au/2017/07/25/all-the-times-the-un-has-slammed-australias-asylum-seeker-policy_a_23046469

13 Slezak, M. (2017, 26 July). Gillian Triggs: Australian government ‘ideologically opposed to human rights’. *The Guardian*. <https://goo.gl/41bAUu>

14 <https://www.apnic.net>

15 <https://www.internetsociety.org>

the establishment of an eSafety Commissioner and for such expertise to be placed within the Human Rights Commission to protect Australians online:

People are living more and more of their daily lives online, and I think we should all be able to assume that that is a safe place to congregate as much as a town square should be a safe place to congregate. The government, therefore, should be looking for more ways to uphold and increase protection of people's rights and safety as we migrate online.¹⁶

A leading voice in internet regulatory circles, former Senator Kate Lundy, was an advocate for open government and citizen-centric data or “accessible and transparent data, the extent government engages with citizens in decision making and accessibility of government itself.”¹⁷

Both Ludlam and Lundy opened the first aulGF in October of 2012, which discussed issues around the security and protection of Australia's critical infrastructure, “the economic activity it underpins, and the most vulnerable individual users in our community.”¹⁸

Both themes continued to be explored in forthcoming aulGFs, with an increasing emphasis on the protection of minorities; online harassment and the lack of women in technical industries; and indigenous communities and how the internet may facilitate social, economic and cultural development within them.¹⁹

How seriously concerns regarding the robustness and security of Australia's information infrastructure were taken is questionable – 2016 will be remembered as the year Australians crashed the Australian Taxation Office website simply by lodging their tax returns.²⁰ Barely six months into 2017, Australians endured an escalation in critical infrastructure data breaches, the most significant being the discovery that Australian health records were being sold on the dark web.²¹ The same vendor had also offered up logins to numerous Australian ISPs and sold business credit cards. One happy buyer of “Aussie Business Credit Cards” boasted of their “great quality”. All this after the introduction of the Privacy Amendment (Notifiable

Data Breaches) Act of 2017²² which, as described by the Office of the Australian Information Commissioner, requires organisations governed by the Australian Privacy Act 1988 to notify any individuals likely to be at risk of serious harm by a data breach.²³ It is unlikely any did. As at the time of writing, Federal Police investigations are still underway.

By 2014 the aulGF was in full swing. The forum opened with a panel session titled “Who ‘governs the Internet’ and what is its future?” It did so as a response to the multistakeholder framework that had been evolving around the management of the internet, particularly in light of the United States (US) government's withdrawal from its oversight of the Internet Corporation for Assigned Names and Numbers (ICANN).

The then Australian Communications Minister Malcolm Turnbull declared in his blog that the “Australian Government is absolutely committed to supporting an open Internet which is administered by multi-stakeholder organisations like ICANN and NOT by governments whether in the form of consortia or multilateral organisations like the ITU or the UN.”²⁴ He went on to say that the Australian government was committed “to a multi-stakeholder system of governance,” and would “work with the Australian and global Internet community including other governments to ensure that the Internet remains free, stable and resilient and continues to be a powerful platform for freedom around the world.”²⁵

Spurred on by Turnbull's essay, panellists would discuss concerns and opportunities presented by an internet governed by stakeholders from all sectors, improving on all levels of engagement, legitimacy, transparency and accountability.²⁶

At the 2015 aulGF Senator Terri Buttler advocated for the participation in online spaces for “people of all genders” and in doing so gave notice of a private members bill²⁷ to criminalise so-called “revenge porn”:

The internet, like other forms and means of human interaction, is susceptible to gendered abuse. It's

16 Ludlam, S. (2017, 19 June). Making the internet safe for everyone. *GreensMPs*. <https://scott-ludlam.greensmps.org.au/articles/making-internet-safe-everyone>

17 Senator Kate Lundy on Open Government and Citizen-centric Services. <https://goo.gl/Tciikv>

18 AulGF 2012 event schedule.

19 Hollins, H. (2015, 18 May). The internet and its influence on Australian Society. *auDA*. <https://www.auda.org.au/news/the-internet-and-its-influence-on-australian-society/#top>

20 Towell, N. (2016, 16 December). Australian Tax Office website crash: ATO promises answers for tech wreck. *The Canberra Times*. <https://goo.gl/befphV>

21 Elton-Pym, J. (2017, 7 June). Medicare data breach is the tip of the iceberg in the world of Australian dark web fraud. *SBS News*. <https://goo.gl/tESgFR>

22 Privacy Amendment (Notifiable Data Breaches) Act 2017, Federal Register of Legislation. <https://www.legislation.gov.au/Details/C2017A00012>

23 Notifiable Data Breaches, Office of the Australian Information Commissioner. <https://www.oaic.gov.au/engage-with-us/consultations/notifiable-data-breaches>

24 Turnbull, M. (2014, 8 March). Launch of Strategy and Statecraft in Cyberspace research program. <https://goo.gl/MzkNGq>

25 Turnbull, M. (2014, 15 March). Australia is committed to a multi-stakeholder system of Internet governance. <https://goo.gl/aw2r55>

26 AulGF 2014 event schedule.

27 A private bill is a proposal for a law that would apply to a particular individual or group of individuals, or corporate entity. This is unlike public bills which apply to everyone within their jurisdiction. https://en.wikipedia.org/wiki/Private_bill

also a great way of distributing information broadly and quickly. This does not make the internet inherently good or inherently bad. But it does give rise to new opportunities, and new challenges. One challenge is the rise of “revenge porn”, which seems gendered, though there’s not yet much empirical evidence about it.²⁸

The New South Wales, South Australia and Victoria state governments have now each introduced legislation that will see tougher criminal and civil penalties imposed on people who share or post sexually explicit photos of others without their consent.²⁹

In spite of five successful auIGFs – auIGFs that took up the complex issues of governing the ungovernable, such as the 2015 workshop “Does the digital world license us to behave differently?” – 2016’s auIGF was the last that auDA would host.

After an internal shake-up that saw changes in the executive management of the auDA, it conducted a review of its community activities, which subsequently saw it withdraw its involvement in hosting any further auIGFs. In doing so, it also withdrew from having successfully bid to host the first regional IGF in Australia. In the ensuing chaos, Thailand succeeded in hosting the 2017 Asia regional IGF in a rebidding process.

It seems to be an odd decision, given that the 2016 auIGF was a forum in which auDA’s new executive management declared a renewed focus on stakeholder engagement – with terms such as “renewed processes” and “innovative thinking” uttered to an audience of internet professionals – particularly in the area of building international partnerships and cybersecurity.³⁰

It would take researching this report for those of us engaged in local and regional internet governance issues to discover that the auDA had removed all information archived on auIGF websites, including papers presented, reports tabled and proposals for international and regional participation drafted. The only materials remaining are auIGF programmes found on the auDA blog and the Wayback Machine.³¹ At the time of writing, it remains unclear as to why the auIGF document record was removed.

Regional reflection

In 2011, I stepped up to immigration at Soekarno-Hatta International Airport, having just arrived in Indonesia. The officer took my passport and had me stare into a

device. I thought a photo was about to be taken, but then I recognised it as an iris scanning identification technology. I said, “We don’t have such tech in Australia.” He replied, “You should. We got it from you.”

While a small number of Australians shared our expertise across Southeast Asia through forums and workshops, helping to define what it means to have rights online and to secure them, the Australian government has been active in its support for, and – according to Edward Snowden’s revelations³² – active participation in surveillance of the region’s citizenry. It is also host to controversial US signals collection facilities in Pine Gap, Northern Territory and the Cocos Islands, a satellite intercept facility in Kojarena, Western Australia, and another in Shoal Bay, Northern Territory.

Whatever work gets done at regional or sub-regional IGF initiatives is entirely reliant on individuals, their skills and capacity for working across multistakeholder agendas. But it must be remembered that no matter what is done, no matter what is celebrated, no matter the influence one perceives possible, there are the all too pervasive activities of surveillance by states, monitoring, data collecting and matching. With such powerful interests at play, how can we know whether work within these spaces amounts to anything tangible in terms of positive outcomes for the region’s citizenry? What is an inclusive, transparent internet governance framework if it is wilfully undermined by countries such as Australia and its allies?

Conclusions

Australians are well known for their slogans. “No worries”, “she’ll be right” and “fair go” are among the most popular. In former times they spoke of a relaxed attitude to life-ensuring rights for all that included health care, free education, workers’ rights and minimum pay. But they are hollow terms now, as hollow as the slogans cooked up by politicians and their advisors. “Innovation Nation” is one of the latest. It is so hollow you can hear the white noise between each syllable.

At the time of writing, Turnbull is now prime minister. The libertarian ideals he boasted about in 2014 are all but forgotten in 2017. With “national security” and “border control” as its catch-cries, it is not hard to imagine the Australian government heading towards authoritarianism. A cantankerous approach to national security has seen over 60 new pieces of legislation introduced, with “anti-terror”

28 Butler, T. (2015). Speech to the Australian Internet Governance Forum.

29 Doran, M. (2017, 20 May). Revenge porn legislation a step closer as Government considers criminal, civil penalties. *ABC News*. <https://goo.gl/po5Mc9>

30 Reid, K. (2016, 17 October). Australian Internet Governance Forum 2016. *Klog: Kathy Reid’s Blog*. <https://goo.gl/z4OhqP>

31 A digital archive of web pages. <https://waybackmachine.org>

32 Keane, B. (2015, 5 June). What Snowden has so far revealed about Australia’s surveillance culture. *Crikey*. <https://www.crikey.com.au/2015/06/05/what-snowden-has-so-far-revealed-about-australias-surveillance-culture>

laws added to the Commonwealth Criminal Code Act including ancillary laws that protect from public scrutiny any processes involving terrorism charges.³³ This includes a series of controversial measures impacting on ICTs and ICT users in Australia. The mandatory data retention scheme came into effect in April 2017,³⁴ providing law enforcement and security agencies with the legal means to compel all Australian internet service providers to retain private data. There are also calls for companies hosting encrypted communications to provide Australian security services with open access to them. In instructing Australians and Australian businesses on the ethics of encryption, Turnbull has again stepped up to the podium, declaring that “the laws of mathematics are very commendable but the only laws that apply in Australia is the law of Australia.”³⁵

Australians deserve a forum for critical debate and policy interventions on ICT matters urgently. The much lauded government-initiated and funded National Broadband Network (NBN) is built upon an ailing copper-fed infrastructure. The NBN continues to cripple capacity for high-quality internet services with speeds being reported as less than what had been available through existing internet service providers. Australians are spending more on internet and mobile telephony in spite of costs dropping in other countries. Australians are also being serviced by insecure web platforms for government entitlements, including social and welfare departments implementing a scandalous automated debt-recovery application³⁶ serving their clients with inaccurate claims of overpayment.

How can Australia even hope to influence a free and inclusive internet, as described by Turnbull in 2014, when it appears unable to make reparations for its own past? Provisions for an Aboriginal

consultative body to the federal government proposed by the National Council of Elders at the 2017 First Nations National Constitutional Convention³⁷ have been, by and large, rejected. This is also a government that praises inequality as aspirational, its treasurer claiming that inequality in Australia is not getting worse, but better. This claim is generally understood to mean that so long as there is inequality – unemployment, unaffordable housing and education, impoverished living standards and high rates of indigenous incarceration, for example – there is aspiration.³⁸

As I was completing this overview I sent out one more round of questions, seeking at the very least a copy of the papers that had been deleted from the aulGF website. Paul Wilson replied with news of a new initiative, the founding of the Australian Internet Community Forum,³⁹ hewn from the remains of the aulGF. The proposal, developed in part by a community of Australian internet stakeholders, proposes:

- To map the landscape and provide a “state of play” on current internet governance issues and activities in Australia, in the Asia-Pacific region, and in the wider global context.
- To facilitate provision of stakeholder input to Australian government policy positions in relation to internet governance issues.
- To consider ways in which Australia’s role and participation in internet governance activities within the Asia-Pacific region might potentially be strengthened and enhanced.
- To consider options for the establishment of an ongoing, sustainable platform for the Australian internet community to engage in discussion and consultation on internet governance issues.

Led in part by the consultancy firm Australian Continuous Improvement Group (ACIG),⁴⁰ the proposed Australian Internet Community Forum will be comprised of a steering committee drawn from the Australian government, APNIC, the Australian Communications Consumer Action Network (ACCAN),⁴¹ ACIG and Electronic Frontiers Australia (EFA). By

33 Barnes, G. (2015, 13 October). Welcome to authoritarian Australia, where more anti-terror laws won’t keep us safe. *The Guardian*. <https://www.theguardian.com/commentisfree/2015/oct/13/welcome-to-authoritarian-australia-where-more-anti-terror-laws-wont-keep-us-safe>

34 The Australian Telecommunications (Interception and Access) Act 1979 requires telecommunications companies to retain a particular set of telecommunications data for at least two years. These obligations ensure Australia’s law enforcement and security agencies are lawfully able to access data, subject to strict controls. <https://www.ag.gov.au/dataretention>

35 Kostarelis, S. (2107, 17 July). Turnbull says Australian law beats math, calls for open access to encrypted messages. *Techly*. <https://www.techly.com.au/2017/07/17/turnbull-laws-beats-math-access-encrypted-messages>

36 Towell, N. (2017, 22 June). Parliamentary committee finds Centrelink robo-debt system has had ‘profoundly negative impact’. *Sydney Morning Herald*. www.smh.com.au/federal-politics/political-news/robodebt-has-harmed-thousands-say-senators-20170621-gwvzgzg.html

37 <https://www.referendumcouncil.org.au/event/first-nations-regional-dialogue-in-urulu>

38 Chan, G. (2017, 24 July). Scott Morrison claims inequality in Australia is not getting worse, but better. *The Guardian*. <https://www.theguardian.com/business/2017/jul/24/scott-morrison-claims-inequality-in-australia-is-not-getting-worse-but-better>

39 Activities proposed by stakeholders engaged in developing the Australian Internet Community Forum (AICF). The AICF replaces the discontinued aulGF.

40 acig.com.au

41 <https://accan.org.au>

the time this report is published, the Australian Internet Community Forum will have had its first meeting in November 2017. One of its aims is to provide a meaningful platform which will inform its representation to the global IGF in Geneva on 18-21 December.

If Australia has anything it hopes to share, stimulate, encourage and stand for at regional and international IGFs, it has much to do at home. Hard-working Australian delegates are doing incredible work on a regional and international level, but they do so returning to a country that appears to hinder their efforts locally. Perhaps the internet we share stories by in the future – a pluralist, secure, culturally and intellectually diverse internet – will inform, guide and motivate decision makers and the public alike to *do the right thing*, uplifting Australia to the land of the fair go it had once aspired to be.

Action steps

Internet policy debates are not for everyone, but the policies themselves affect us all. What can be done, I hear you ask? As much or as little as you are prepared to do. Some of these “action steps” may be of interest, or the reading list that follows may be more to your liking.

National strategies

If you care about reliable, affordable and state-of-the-art internet access in Australia, look for the organisations that are lobbying on your behalf and support their efforts. Some of these organisations include:

- Digital Rights Watch Australia
digitalrightswatch.org.au
- Australian Communications Consumer Action Network (ACCAN)
<https://accan.org.au>
- CHOICE
<https://www.choice.com.au/electronics-and-technology>
- Australian Digital Alliance
<https://digital.org.au>
- Electronic Frontiers Australia (EFA)
<https://www.efa.org.au/get-involved>
- Internet Australia
<https://www.internet.org.au>

Get involved in the new Australian Internet Community Forum and encourage local community groups to do so too. This is about every one of us, not just technologists and policy advocates.

Local strategies

Talk about these issues within your local communities. If you're not happy with the high cost of internet access and the poor service being provided, it's likely your neighbours are not happy either. Host a dinner, invite your neighbours, and discuss these issues with a view to creating a coordinated strategy to improve access in your area.

Inform your gatherings with information sourced from any of the groups listed above. Other sources of sound information include:

- Association for Progressive Communications
<https://www.apc.org>
- Access Now
<https://www.accessnow.org>

Write up your collective concerns and talk to journalists who may be interested in your story. Publications that would be interested to hear from you include:

- The Saturday Paper
<https://www.thesaturdaypaper.com.au>
- Crikey
<https://www.crikey.com.au>
- New Matilda
<https://newmatilda.com>
- The Guardian Australia
<https://www.theguardian.com/au>

For more recommendations on how to plan, inform and activate your campaign check out the following resources:

- CommunityRun by GetUp
<https://www.communityrun.org>
- Our Community
<https://www.ourcommunity.com.au/>

All up, may I be so bold as to suggest that it is up to each and every one of us to make our home on planet Earth safe and nourishing for all flora and fauna alike. How and with whom we access and share information about such matters, and everything in between, matters.

Reading list

Free Speech – Ten Principles for a Connected World, Timothy Garton-Ash, Atlantic Books, 2016.

Out of the Wreckage: A New Politics for an Age of Crisis, George Monbiot, Verso, 2017.

ICT Policy: A Beginner's Handbook, edited by Chris Nicol, Association for Progressive Communications, 2003.



Bytesforall Bangladesh

Munir Hasan, Partha Sarker and Warefta Lamia Rahman
www.bytesforall.org

Introduction

The Bangladesh Internet Governance Forum (BIGF)¹ was formed in 2006. Its executive committee, which is open to all stakeholders, is currently chaired by the minister of information. Representing the BIGF, the committee has engaged in numerous internet governance meetings over the years, and convened several multistakeholder national IGF consultations itself. Unlike other national forums, the BIGF has had at least two important impacts on policy in Bangladesh: raising awareness about the top-level Bangla domain, and contributing to the draft Digital Security Act. This report details the engagement of the BIGF committee in internet governance platforms since its inception, and identifies its challenges and successes.

What is expected from a national IGF?

The first phase of the World Summit on Information Society (WSIS) in Geneva in 2003 set up a Working Group on Internet Governance (WGIG) to prepare a report by the second phase of WSIS in Tunis in November 2005.² This report first mooted the idea of a multistakeholder internet governance forum, a need which was formally established in the Tunis Agenda. Paragraph 72 of WSIS Tunis Agenda mandated the United Nations (UN) “a convening power and the authority to serve as a neutral space for all actors on an equal footing. [...] The Internet Governance Forum (IGF) can thereby be useful in shaping the international agenda and in preparing the ground for negotiations and decision-making in other institutions. The IGF has no power of redistribution, and yet it has the power of recognition – the power to identify key issues.”³

The establishment of the IGF was formally announced by the UN Secretary-General in July 2006. It was first convened in October-November 2006 and has held an annual meeting since then. The mandate has been renewed twice, in 2011 and in 2015.

As per its mandate, the IGF has both a policy-related and capacity-building role, although some researchers think the policy-related role of the IGF is more primary than its capacity-building role.⁴ The IGF’s mode of engagement is multistakeholderism. Paragraph 72 of Tunis Agenda says one of the aims is to “[s]trengthen and enhance the engagement of stakeholders in existing and/or future Internet governance mechanisms, particularly those from developing countries.”⁵

DiploFoundation also identified five baskets of issues in internet governance discussion,⁶ which form the substance of the BIGF approach:

- *Infrastructure and standards:* This includes internet infrastructure, end-to-end networks, domains, HTTP, and packet switching.
- *Jurisdiction:* Includes cybercrime, data protection, privacy, security and copyright.
- *Development:* Includes the digital divide and transfer of know-how and of technology.
- *Economic:* Issues such as taxation, customs and revenue models.
- *Socio-cultural:* Includes content control, privacy, multilingualism and education.⁷

1 www.bangladeshigf.org

2 https://en.wikipedia.org/wiki/Internet_Governance_Forum

3 Internet Governance Forum. (2011). Background note: What is the Internet Governance Forum? https://www.intgovforum.org/cms/2011/press/Backgrounder_What_is_IGF_final.pdf

4 Singh, P. J. (2011). *First Set of Contributions to the Working Group on IGF Improvements (WGIGF)*. IT for Change. https://www.itforchange.net/sites/default/files/ITFC/IT_for_Change1.pdf

5 Tunis Agenda for the Information Society. <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

6 Kurbalija, J. (2004). *The Classification of Internet Governance*. DiploFoundation. https://www.diplomacy.edu/sites/default/files/Internet_Governance_Classification_ver_07102004.pdf

7 In an interview with Bytesforall Bangladesh, A. H. M. Bazlur Rahman from the Bangladesh NGO’s Network for Radio and Communication (BNNRC), who is one of the core organisers of the BIGF, said that human rights should also be another basket included in internet governance deliberations.

BIGF objectives and operations

The BIGF was formed in 2006 with the objectives of:

- Supporting the establishment of a national multistakeholder forum specialising in internet governance issues.
- Promoting the development of internet governance as a recognised interdisciplinary field of study, dialogue and research.
- Linking theoretical and applied research and policy on internet governance, broadly defined.
- Facilitating informed dialogue on policy issues and related matters between internet governance stakeholders (i.e. government, private sector, civil society, media and academia).

The forum is run by an Executive Council⁸ that represents different stakeholders, including the government, private sector, civil society organisations and academia.⁹ The Council sits once every two months to discuss activities, sometimes meeting more frequently than that in case of need.

Bangladesh civil society has a long history of participating in different IGF processes. One review¹⁰ suggests that the majority of participating organisations from Asia at the first global IGF held in Athens in 2006 were from Bangladesh and Japan. The second IGF in Rio de Janeiro (12-15 November 2007) also had good representation from Bangladesh, including the Bangladesh NGOs Network for Radio and Communication (BNNRC),¹¹ the Bangladesh Friendship Education Society (BFES)¹² and Voices for Interactive Choice and Empowerment (VOICE).¹³ Since then, BIGF members have regularly participated in different IGF events, including the fourth IGF in Sharm El Sheikh, Egypt in 2009; the first Asia Pacific Regional IGF (APrIGF) in Hong Kong, China in 2010; the fifth IGF in Vilnius,

Lithuania in 2010; the sixth IGF in Nairobi, Kenya in 2011; the third APrIGF in Tokyo, Japan in 2012; the Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial)¹⁴ in Sao Paulo, Brazil in 2014; the ninth IGF in Istanbul, Turkey in 2014; the sixth APrIGF in Macau in 2015; the 10th IGF in João Pessoa, Brazil in 2015; the 11th IGF in Guadalajara, Mexico in 2016; and the eighth APrIGF in Bangkok, Thailand in 2017.

BIGF activities: 2009-2017

A seven-member delegation from the BIGF attended the fourth IGF in Egypt in 2009. That participation was very important because the BIGF played a role in getting the Bangladesh government to submit an application for the top-level Bangla domain (.bd) to the Internet Corporation for Assigned Names and Numbers (ICANN)¹⁵ in February 2010, which was accepted on 4 October 2016.

In an interview with Bytesforall Bangladesh, M. A. Haque Anu, the secretary general of the BIGF, explained how the process started. At the 2009 IGF, the BIGF delegation along with the minister of information sat down with the then-CEO of ICANN to discuss the idea of having a top-level Bangla domain. The minister then raised it in the Parliamentary Committee of Post and Telecommunication, and upon approval, proposed it to the prime minister of Bangladesh. The Bangladesh government applied for the .bd domain on International Mother Language Day (21 February 2010). ICANN then worked out all the technical issues with the Bangladesh Telecommunication Regulatory Commission (BTRC).¹⁶

The BIGF also worked to raise awareness about top-level domains and Bangla websites through organising and participating in meetings and consultations. The first consultation¹⁷ was held in October 2009 prior to the IGF in Egypt and was attended by a number of professional bodies such as internet service provider (ISP) and software associations, regulatory bodies, representatives from academia, and telecoms companies. Three papers were presented on top-level domains discussing global, regional and national issues and goals pertaining to the IGF, and emphasising an action plan to reach those goals.

8 In this report, when we talk about the BIGF engaging in internet governance forums, we specifically mean the Executive Council or its members.

9 The 2017-2018 Executive Council includes the following members: Hasanul Haq Inu, MP, Hon. Minister, Ministry of Information, chairperson; Akram H Chowdhury, chairman, Barind Multipurpose Development Authority (BMDA), executive vice chairperson; Sohel Awrongjob, ICT expert, treasurer; A. H. M. Bazlur Rahman, CEO, Bangladesh NGOs Network for Radio and Communication (BNNRC), member; Mohammad Shahinur Rahman, CEO, Red Line, member; and Mohammad Abdul Haque Anu, secretary general, Bangladesh Internet Governance Forum.

10 Chattapadhyay, S. (2015, 19 August). Civil Society Organisations and Internet Governance in Asia - Open Review. *Centre for Internet and Society*. <https://cis-india.org/raw/civil-society-organisations-and-internet-governance-in-asia-open-review>

11 bnnrc.net

12 bfes.net

13 <https://www.voicebd.org>

14 netmundial.br

15 <https://www.icann.org>

16 www.btrc.gov.bd

17 Bangladesh Internet Governance Forum. (2009, 22 October). Meeting of the Internet Governance Forum (IGF) held at Dhaka. www.bangladeshigf.org/index.php?option=com_content&view=article&id=51:meeting-of-the-internet-governance-forum-igf-held-at-dhaka&catid=1:bigfreport&Itemid=18

In 2010 a delegation participated in an Asia-Pacific regional consultation in Hong Kong and at the IGF in Vilnius, Lithuania, the same year. The BIGF organised another consultation in Dhaka in August 2011, a few weeks prior to the IGF in Kenya. The meeting attracted good participation from the government as the minister of information was present along with the chairman of the BTRC.

The consultation touched on a wide range of topics besides top-level domains, including internet access, privacy, security and openness. The minister talked about official participation in the IGF and ICANN and the availability of local content. Another participant, Mahfuz Ashraf from the Department of Management Information Systems at the University of Dhaka, touched on the capacity-building dimension of the IGF process and emphasised that the BIGF undertakes programmes for technical skill development. The issue of IPv6 also received prominence in the conversation.

In May 2012, the BIGF organised its third consultation in the conference room of the BTRC in Dhaka, just before the WSIS Forum on 14-18 May in Geneva. The BNNRC and the IT portal Comjagat.com¹⁸ were co-organisers. The consultation highlighted a number of issues including internet governance and achievements at the IGF, the WSIS Plan of Action,¹⁹ the country's broadband commission for digital development, Bangla domain management, and value-added services. Reza Selim, project manager of Amader Gram,²⁰ presented a paper on the broadband commission and digital development, while Cornel Rakibul Hasan, the director of the BTRC, discussed the management of the Bangla domain.

The BIGF, in collaboration with the Asia Pacific Networking Group (APNG) Bangladesh,²¹ organised the Bangladesh Youth Internet Governance Forum (BDYIGF) on 7 October 2013. The event was hosted by BRAC University in Dhaka.²² The youth constitute the largest internet user group in Bangladesh, and relevant issues such as e-services, mobile banking, e-health, the digital divide, internet security, social networking, and the history of the internet in Bangladesh were discussed in the day-long event. There was also an awareness session on internet governance and BIGF activities. Around 40 registered participants, presenters, special guests and

journalists attended the event. The national youth forum followed a similar regional forum run by APriGF in 2010.

2014 was a particularly busy time for the BIGF. Its delegation attended the NETmundial meeting in Sao Paulo, Brazil on 23-24 April, and the ninth IGF in Istanbul, Turkey on 2-5 September. In the opening sessions at NETmundial, the minister of information commented on the principles of the IGF and its roadmap for the future.

In 2014, a multistakeholder steering group²³ was created to support and ensure the proper conduct of the organisational work of the annual APriGF. The purpose of the regional IGF is to promote and encourage dialogue among all stakeholders involved with internet governance related issues in the Asia Pacific region, and to act as an interface between the Asia Pacific IGF community and the global IGF community. Several members of the BIGF, including M. A. Haque Anu, the secretary-general, and M. Abdul Awal, the treasurer, were among the core members of this group. It had its first meeting during the IGF in 2014 and organised a few other meetings to highlight issues from an Asia Pacific perspective.

In 2015, the BIGF participated in the sixth APriGF in Macau. Bytesforall Bangladesh also had representation in the meeting. As per its report,²⁴ The minister of information, who is also the chairman of the BIGF, attended the APriGF opening ceremony, where he talked about localising the IGF processes.

In 2016, the BIGF organised a successful roundtable at the Press Institute of Bangladesh (PIB) in Dhaka.²⁵ At the opening session, the minister showed a video clip on internet governance, followed by a PowerPoint presentation with a brief overview of the IGF and APriGF. Participants were also informed about the upcoming IGF in Mexico that was to take place on 6-9 December. The roundtable was attended by a large number of stakeholders, including ISP and software associations, professionals, civil society organisations, telecom operators, and the BTRC. It seems that the participants from the technology sector were mostly interested in technology-related issues such as IPv6, big data and cloud computing, while the civil society participants talked about internet rights and safety and privacy issues. The minister touched on the issue of cybercrime, emphasising

18 www.comjagat.com

19 <https://www.itu.int/net/osis/docs/geneva/official/poa.html>

20 A village-based ICT-for-development initiative of the Bangladesh Friendship Education Society (BFES). amadergram.org

21 www.apngcamp.asia/?page_id=30

22 www.bracu.ac.bd

23 rigf.asia/msg.html

24 Bytesforall Bangladesh. (2015, 1 August). Bytesforall Bangladesh's participation at Gender and Internet Governance Exchange (gigX) and Asia Pacific Regional Internet Governance Forum (APriGF) in Macau, China. www.bytesforall.org/?p=257

25 Haque Anu, M. A. (2016, 10 December). Focusing Internet Governance. *The Daily Observer*. www.observerbd.com/details.php?id=47601

the need to develop capacity and legal remedies to address the issue. Many argued that the principle of net neutrality be upheld and access to internet be considered as one of the basic rights of citizens.

In 2017, the BIGF joined the eighth APRIGF in Bangkok, Thailand. However, the most significant policy intervention event that year was its national consultation on the draft of the Digital Security Act 2016,²⁶ which it organised in collaboration with Bangladesh University of Engineering and Technology (BUET)²⁷ in September. It was a timely event, as the government was seeking feedback on the draft of the Act. When the ICT Act was introduced back in 2006 and amended in 2013, its section 57 was criticised by various groups for censoring views and curbing freedom of expression. Therefore, the new Digital Security Act brought in a fresh perspective, according to the minister. The minister also said that the Act would be formulated in line with human rights, such as the rights to privacy and freedom of expression. The minister further reiterated that the purpose of the Act was to curb cybercrime, not to control cyber traffic. The event was attended by a number of civil society members, as well as students and private sector bodies.

Tahmina Rahman from ARTICLE 19,²⁸ an international human rights organisation, made a detailed presentation on the 46 sections and seven chapters of the Act. She suggested some amendments, such as changes to clauses that were too broadly defined and therefore vulnerable to an abuse of power, and to include the requirement of precise intent and harm for existing offences. She also recommended the inclusion of the perspective of public interest.²⁹ Other participants talked about the need for multiple cyber tribunals and to have judges with technical expertise in order to deal with cybercrime.

The BIGF is also set to organise the Bangladesh School of Internet Governance (BDSIG) as a local chapter of the Asia Pacific School of Internet Governance (APSIG), to be held later this year.³⁰ The purpose is to organise a two-day training workshop involving students, journalists and academia, amongst others, and dealing with relevant issues such as the history of internet governance, data

governance, digital security, the digital economy, the internet of things, and infrastructure and standards. A certificate will be offered for completion of the course. As many as 60 participants have already confirmed their participation.

It seems that the BIGF is going through a transition in order to extend its role from event organisation to policy intervention. The BIGF's campaign for the top-level Bangla domain and its contribution to the draft Digital Security Act are good examples of this. The need for capacity building came up in several consultation meetings that the BIGF organised, and while the minister has also expressed interest in this, financial and human resources remain a constant constraint.

So far, all national consultations organised by the BIGF have happened in Dhaka, but the demand for wider outreach is growing. The need for outreach is recognised by the BIGF. For example, in a consultation meeting in 2016, Bazlur Rahman, the CEO of the BNNRC who is also a member of the BIGF Executive Council, said that "the BIGF should adopt an inclusive approach. It must go outside Dhaka." The forum has already started to live cast its consultation meetings to encourage remote participation. It seems that many of its consultation meetings are held right before global and regional events, allowing perspectives on the upcoming events to be shared. The most recent consultation – on the draft Digital Security Act – is obviously a break from that tradition.

The BIGF is a volunteer-driven forum. The platform is open for participation by any stakeholder, including civil society organisations. It is as easy as sending an email requesting participation.

The BIGF organisational structure has its challenges. It is not clear how the power balance is addressed, for example. Is there any opportunity for other stakeholders to be the chairperson on rotation? If the minister is changed, will the government be equally committed to its activities? The secretary general of the BIGF mentioned that the minister is involved much more in his personal capacity as one of the founders of this initiative. But the BIGF event has always been attended by other units and officials from the government.

The BIGF secretary general also thinks there is a problem with resource limitations. In the past, the BIGF organising committee attended a number of global and regional IGF events after raising funds to attend them. Sometimes, members of the committee participate in these events using their own resources. Nevertheless, a shortage of funds for participation remains a challenge and a bottleneck to future strategic activities.

²⁶ <https://www.forum-asia.org/uploads/wp/2016/08/Digital-Security-Act-English-09.03.2016.pdf> (Bengali version of the Act: <https://www.ictd.gov.bd/page/17/draft-of-acts-and-rules>)

²⁷ www.buet.ac.bd

²⁸ <https://www.article19.org>

²⁹ ARTICLE 19. (2016). *Legal Analysis – Bangladesh: Draft Digital Security Act*. <https://www.article19.org/resources.php/resource/38368/en/bangladesh-draft-digital-security-act>

³⁰ <https://sites.google.com/site/apsigasia>

Action steps

The BIGF needs to focus more on single issue-based discussions and contributions. Consultations on the draft Digital Security Act were a good start, but this needs to be taken further to understand what research and evidence say in order to understand the changes that can be made. The consultations in the past have covered too many different topics. Rather, civil society advocacy and campaigning need to be focused and supported by evidence and research.

There seems to be little or no awareness of internet governance issues in Bangladesh. The BIGF should also focus on awareness generation

activities including writing for the media, preparing more audiovisual resources, linking to various universities, running training programmes, and social media-based campaigns. With the BDSIG, that process has started, but it needs to be taken further into institutional engagement.

There should be a broader call for participation in BIGF processes. If the Executive Council could be made more representative of ideas and initiatives, then the whole process would be strengthened. BIGF events also need to go out of the capital city Dhaka to engage different stakeholders across the country.

BOSNIA AND HERZEGOVINA

REUNITING A DIVIDED SOCIETY



One World Platform

Liora¹

<https://oneworldplatform.net>

Introduction

This report focuses on the Bosnia and Herzegovina Internet Governance Forum (IGF), the primary platform for internet governance discussions in the country. It suggests how the IGF offers a vital platform for consensus building in a country troubled by political and ethnic divisions.

Policy, economic and political background

Bosnia and Herzegovina is a small country located in South East Europe. It gained independence in 1992, and shortly after that the country entered into a period of armed conflict (1992-1995). The armed conflict ended with the signing of the Dayton Peace agreement in December 1995, which forms part of the current Constitution. Bosnia and Herzegovina is described as a post-conflict, transitional country where society and state are divided along ethnic lines into the Federation of Bosnia and Herzegovina, the Republica Srpska and Brčko District. However, the reconciliation and recovery process in the country is ongoing and new perspectives are becoming more and more important.

In this context, the Bosnia and Herzegovina IGF² is a fresh new start. As a multistakeholder event, it is based on listening to what diverse stakeholders have to say, including government, business, civil society, the technical community, academia and the media. Every opinion is important, and in this sense we consider the IGF a “real democracy”, a space which Bosnia and Herzegovina needs.

At the beginning of our collaboration...

The Bosnia and Herzegovina IGF was started two years ago with the intention of promoting cooperation and collaboration between different stakeholders, and to have an impact on internet governance at a policy-making level. This is an

important aim in a country where political instability can work against stakeholder cooperation and collaboration, especially when it comes to the active participation of governmental stakeholders in a multistakeholder environment – frequently, government representatives need permission from superiors to participate, a level of bureaucratic red tape that stifles productive engagement.

The national IGF is, however, slightly different: it offers a forum that is necessary in the country, and stakeholders from all parts of the country feel the need to participate in collective discussions.

An open and inclusive space such as the IGF provides an opportunity for all interested sides to be more visible and accepted as relevant stakeholders by other stakeholders. Stakeholders’ voices are amplified through the publication of a report after the event, which also increases the transparency of proceedings.³

The topic of internet governance is still only a concern of a small group of people in Bosnia and Herzegovina – 109 participants attended the first event in 2015. However, interest in participating in the event is growing: the internet is impacting on everyone in a dynamic way, and individuals and organisations are looking for a space where everyone has the right to speak, and to seek and demand solutions to governance issues that impact on the internet society and on their lives.

During its two years of existence, the Bosnia and Herzegovina IGF has shown that it serves as a useful forum in different ways. Civil society holds the balance between government, academia and the business sector – it tends to see the bigger picture, and is able to offer solutions to the challenges identified. Civil society also encourages consensus among all stakeholders in an effort to find a permanent solution.

A rights-based approach to regulation of the internet and digital spaces in Bosnia and Herzegovina is mostly advocated for by civil society. The perfect example of this was found in the 2016 IGF⁴ during

1 Cyber girl with a passion for numbers. Loud cryptoanarchist, but silent cryptographer. In crypto I trust.

2 <https://oneworldplatform.net/en/bh-igf-en>

3 Bosnia and Herzegovina IGF. (2015). *Bosnia and Herzegovina IGF 2015 Report*. <https://oneworldplatform.net/wp-content/uploads/2016/04/BHIGF-Report-2015.pdf>

4 <https://oneworldplatform.net/poziv-na-2-bosanskohercegovacki-forum-o-upravljanju-internetom-otvoren>

a panel discussion on counter-terrorism, human rights and business, which asked the question: “Are we all equal?”

“Are we all equal?” was a panel aimed at encouraging stakeholder responsibility in ensuring an open and accessible internet. Each stakeholder had their place in discussion, reflecting on the challenges faced in the region and the world from a country perspective. Both the subjective and objective opinions of stakeholders from different sectors with regards to security, surveillance, terrorism and the state of media coverage of these topics were heard.

However, civil society stressed the importance of equality and free access to technology and information as a basic need of humankind in the digital era. If we have communications laws that can restrict your freedoms to the extent that you end up on the same list as potentially dangerous people, are we really free to have our own state of mind and personal opinion?

In Bosnia and Herzegovina, a lot of awareness raising still needs to be done to impact on the public’s understanding of the value of internet governance. Although relatively young and small, the national IGF has already had an impact on the thinking and states of mind of stakeholders who have actively participated in discussions with passion and a willingness to learn.

Although we are only at the beginning of our collaboration on internet governance, we need to build the foundations firmly, especially when it comes to marginalised and vulnerable groups, and also gender equality. On these two issues, the organisers of the Bosnia and Herzegovina IGF have shown sensitivity. For example, a sign language interpreter has been employed for participants who need it. The 2015 forum’s reports also show us that a gender balance amongst participants is evident, with 48% male and 52% female participants (45% of the panellists were female). For 2016, 55% of the participants were female (39% of the panellists were female).

Feđa Kulenović, an assistant professor in the Faculty of Philosophy at the University of Sarajevo whom we interviewed for this report, mentioned that the best approach to securing a gender balance among participants is to find a way to create a space where women will be recognised as equal participants and as leaders in a place safe from harm and violence. Society in Bosnia and Herzegovina still faces a problem with gender-based violence and deep gender inequality. The Bosnia and Herzegovina IGF is a physical space where safety and equality for women can be achieved.

While this kind of multistakeholder approach to internet governance helps to create a sense of cooperation, and to reunite a divided society by demanding solutions to difficult issues faced in the digital governance space, some stakeholders are not aware of these benefits. For example, the academic community needs to be encouraged to see why this kind of event matters. In a politically turbulent country like Bosnia and Herzegovina, the academic community is often excluded from practical discussions, but they should be encouraged to see that they have a real stake in internet governance, and that in democratic states academia plays an important leadership function.

The multistakeholder approach is also a feature of the organisation of the forum. One World Platform is the main participant from civil society, working in partnership with governmental bodies such as the Ministry of Foreign Affairs⁵ and the Communications Regulatory Agency of Bosnia and Herzegovina,⁶ as well as the the Organization for Security and Co-operation in Europe (OSCE), an intergovernmental regional security body.

The forum is also supported by different global organisations and others from the South East Europe region and Balkan Peninsula, including DiploFoundation,⁷ the Council of Europe, the Internet Corporation for Assigned Names and Numbers (ICANN),⁸ the regional internet registry RIPE NCC⁹ and the Association for Progressive Communications (APC).¹⁰

Conclusion

In the context of all the differences and instability in Bosnia and Herzegovina, and the challenges in finding agreement in decision-making processes, the Bosnia and Herzegovina IGF offers a beacon of hope. The forum has the potential to bring fresh reflection to the process of reconciliation in the country. The main importance of the IGF is that it is an inclusive space where diverse stakeholders have a voice. The next step will be the practical implementation of technical solutions that reflect the internet governance deliberations.

Networking between different stakeholders, which is at the core of the IGF, is not only important for internet governance but for society generally

5 mfa.gov.ba/default.aspx?pageIndex=1

6 rak.ba/eng

7 <https://www.diplomacy.edu>

8 <https://www.icann.org>

9 <https://www.ripe.net>

10 <https://www.apc.org>

– it needs to see that collaboration between different perspectives can occur. Over the next few years we will see the real impact of the Bosnia and Herzegovina IGF, including how it impacts on the collaboration between different stakeholders in facing the challenges of internet policy processes and dynamics that lie ahead.

Action steps

A key issue the IGF needs to deal with is digital literacy. According to the latest data from the 2013 census,¹¹ more than 60% of the population of Bosnia and Herzegovina is digitally illiterate, according to the Agency of Statistics' definition used for digital literacy:

Computer literacy shall be defined as one's ability to process a text, create a table, use e-mail and the Internet. A person who is capable of performing at least one of the stated activities shall be considered to be a partly computer literate person. A person who is not capable of performing any of the stated activities shall be considered to be a computer illiterate person.¹²

The country has 23.86% partly computer illiterate persons (12.43% of males and 11.43% of females) and 38.68% computer illiterate persons (17.14% of males and 21.54% of females).¹³

At the same time, regional best practices and policies need to be analysed and modified for the Bosnia and Herzegovina environment. For the next IGF, the themes of blockchain technologies and the Internet of Things will be important issues.

Other key issues that need to be addressed are new proposals and directives for establishing a Computer Emergency Response Team (CERT) to deal with security incidents that occur on several levels, including in the corporate, academic and civil society sectors, and at the state level. It is necessary to promote safety and good security governance in the non-governmental sector, including by drawing on good practices from the region. The issue of information security in Bosnia and Herzegovina needs to move beyond being a national security issue only, and include a human-centric approach to make sure that every citizen and civil society organisation is included in the process of policy-making decisions on this important topic.

¹¹ www.popis.gov.ba

¹² www.popis.gov.ba/popis2013/doc/RezultatiPopisa_BS.pdf

¹³ The status of 1.23% of persons in the country is "unknown" (0.58% of males and 0.65% of females).

BRAZIL

THE BRAZILIAN INTERNET FORUM, 2011-2017



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Introduction

This report provides an overview of the historical development of the Brazilian Internet Governance Forum (IGF)² – referred to as the “Brazilian Internet Forum” (*Forum da Internet no Brasil*), or FIB. It comprises four sections: (a) a general overview of the project sponsored by the Brazilian Internet Steering Committee (CGI.br)³ since 2011; (b) a detailed report on the different forums from 2011 to 2016 (with a focus on facts, figures and key milestones), as well as a description of what is expected regarding the upcoming Forum in 2017; (c) an assessment of the intersections and synergies of the FIB and other processes within the Latin American and Caribbean (LAC) region – especially the LACIGF – as well as globally;⁴ and (d) a concluding section with a description of some prospective challenges and opportunities not only for the Forum itself but also for multistakeholder participation in internet governance affairs in Brazil and elsewhere.

An overview of the Brazilian IGF

Brazil played a pioneering role in establishing multistakeholder structures for internet governance with the creation of CGI.br in 1995. According to its official description, CGI.br is currently comprised of members from the government, the corporate sector, the “third sector”⁵ and the “scientific and technological”⁶ community. In total there are eight representatives from the federal government, one representative of the state secretariats of science

and technology, four representatives from the corporate for-profit sector, four representatives from non-profit civil society organisations, three representatives from the academic community, and one internet expert.⁷ All the decisions made by CGI.br are implemented by the Brazilian Network Information Centre (NIC.br),⁸ a non-profit private civil society organisation serving as the executive arm of CGI.br.

In the LAC region, organised activities that were the result of the global United Nations (UN) IGF started to take shape in 2008, with the first regional IGF in Montevideo. Despite the fact that Brazil hosted the second global IGF in 2007, and that the committee supported the first regional IGF in 2008, CGI.br organised the first FIB only in 2011. Since then, six national forums have been held – and the seventh is being prepared – by CGI.br in partnership with local organisations interested or involved in aspects of internet governance. The overall objective is to bring together “participants from the government, business, academia, civil society organisations, technicians, students, and all those interested and those involved in the discussions and issues regarding the internet in Brazil and worldwide.”⁹ The Forum is promoted, sponsored and organised by CGI.br.

Seven years of history: Facts, figures and key milestones

CGI.br, LACNIC, APC and other organisations in the region have supported LACIGF since its first edition in 2008, in Montevideo. The first Brazilian IGF was held in 2011, in the same year as the 4th LACIGF (Trinidad and Tobago), and two years after the launch of CGI.br’s “Principles for the Governance and Use of the Internet”.¹⁰ The Principles served as

1 The authors thank Diego Canabarro, Carlos Cecconi and Vinicius Santos, members of CGI.br’s advisory team, for their help in providing crucial analytical information for this report. The responsibility for the conclusions and recommendations contained in this report rests solely with the authors.

2 forumdalinternet.cgi.br/en

3 <https://www.cgi.br/about>

4 <https://lacigf.org>

5 The members are elected by an electoral college composed of individual non-commercial non-profit civil society organisations; the college does not include associations of non-profits.

6 The members are elected by an electoral college of academic associations.

7 Since September 2003, non-governmental CGI.br members are elected for three-year mandates by their own constituencies.

8 <https://www.nic.br/about-nic-br>

9 forumdalinternet.cgi.br/en

10 This charter of principles was the result of a two-year process of discussions in CGI.br which was finally concluded in 2009, with full consensus of the committee. It became a strategic reference of action for the committee and was the seed for the building of the *Marco Civil*. <https://www.cgi.br/principles>

the pillars for the thematic structure of the first Brazilian IGF, and have remained a thematic reference for the event since then.

Agenda setting and structure

As the organiser of the FIB, CGI.br has the support of an advisory team and the infrastructure made available by NIC.br. Each Forum starts with setting up a “mobilisation commission”, formed after a discussion and nomination process carried out by the four stakeholder groups that are part of the board of CGI.br. The commission is comprised of at least four members, each member from a different stakeholder group (government, business, technical community and academia, and the “third sector”).

The commission, supported by CGI.br’s advisory team, is responsible for defining the general structure of the Forum, within the scope of the collective decisions previously made by the CGI.br board. It develops the programme for the Forum, deciding on themes and agendas, selecting workshop proposals submitted by the community, and deciding on panellists and speakers, among other activities. It is also responsible for ensuring that key principles are adhered to, for example, that there is multistakeholder participation on the panels during the event. In many respects its role at the national level is similar to the Multistakeholder Advisory Group (MAG) of the global IGF itself.

The main activity streams that have structured the FIB from 2011 to 2016 are:

- “Tracks”: These are generic thematic tracks that make up a big part of the schedule. They deal with umbrella subjects such as network neutrality, the digital divide, internet legal frameworks and regulation, and privacy and data protection, among others. Within a track there are also sub-groups formed to deepen the discussions.
- “Panels” and plenary sessions: These are specific sessions dealing with hot topics on the internet agenda. In general the panels have tried to answer the demands of public debate, delving into important themes being discussed in the country (e.g. internet shutdowns and net neutrality violations). There are also plenary sessions at the end of each event, where the final session reports are presented and the audience is given an opportunity to respond and share their perspectives.
- “Workshops” and short courses: Up until 2016, these sessions have dealt with subjects aimed chiefly at the technical audience. For the 2017 Forum, the term “workshop” will mean a workshop as conceived by the global IGF, as the FIB as a whole is changing its structure to be more

similar to the global IGF while maintaining its approach of documenting the overall event, identifying consensus topics to be further discussed and disagreements among participants.

The following list details the main topics discussed in each edition of the FIB – several of the topics are extracted from CGI.br’s charter of principles:

- 2011: Freedom, privacy and human rights; Democratic and collaborative governance; Universal access and digital inclusion; Diversity and content; “Principles for the Governance and Use of the Internet” by CGI.br; Legal and regulatory environment; and Security and non-liability of network intermediaries.
- 2012: Enforcement of internet rights and the *Marco Civil*;¹¹ Intellectual property on the internet; Fast bandwidth and digital inclusion: what should we do?; How to support national content and platforms on the World Wide Web; and Global internet, global governance.
- 2013: Universality, accessibility and diversity; Technological innovation and business models for the internet; Privacy, non-liability of network intermediaries and freedom of expression; and Net neutrality.
- 2014: Innovation and entrepreneurship; Security and privacy; and Internet and legislation.
- 2015: Challenges for digital inclusion; Internet economy; Cybersecurity and trust; and Internet and human rights.
- 2016: Universalisation and digital inclusion; Security and rights on the internet; Cultural content and production; and Innovation and technological capacity building.

Methodology

The FIB may go beyond the IGF themes, seeking to promote a dialogue on key internet issues in Brazil, but also looks beyond the country’s borders, and produces thematic reports as a result of the discussions. These documents have served as an information and knowledge base for Brazil’s participation in the LACIGF and in the global IGF.

¹¹ *Marco Civil da Internet* (Brazilian Internet Civil Rights Framework) is the name of the most important internet regulatory framework in Brazil. It stemmed from a popular mobilisation, was discussed in an open digital platform from 2009 to 2011, and after going through legislative proceedings between 2011 and 2014, it was enacted as Law 12.965 in April 2014, sanctioned by President Dilma Rousseff during the NETmundial meeting in São Paulo. The *Marco Civil* deals with fundamental rights and obligations related to the internet in the country, involving diversity, access, network neutrality, privacy and so on. It is worth mentioning that the FIB was one of the relevant spaces in which the *Marco Civil* was discussed by multiple stakeholders.

TABLE 1.

Cities where the FIB has been held

Year	2011	2012	2013	2014	2015	2016	2017 (upcoming)
City	São Paulo (SP) - Southeast	Recife (PE) - Northeast	Belém (PA) - North	São Paulo (SP) - Southeast	Salvador (BA) - Northeast	Porto Alegre (RS) - South	Rio de Janeiro (RJ) - Southeast

The multistakeholder approach is taken into account throughout the processes of holding the event, starting, as mentioned, with the mobilisation commission, which is comprised of representatives from each stakeholder group. In the overall process, the choices made always consider parameters such as equal footing among stakeholders, the power relationship between the different sectors, the region of the country represented, and gender. Therefore, all the panels and main tracks of discussion have been composed with the need for balance in mind.

During the event there is a professional team of rapporteurs documenting all the discussions in a structured way, and consolidating them in reports that reflect what happened in each session, and at the FIB as a whole. The reports reflect consensus achieved, topics to be further discussed, and disagreements among participants. A summary version of these reports is read to the audience in a plenary session at the end of the event, making it possible for the participants to complement or to correct information.

Locations

The FIB is carried out in different regions of Brazil to amplify its presence across the country and to stimulate local participation. The location for each

year must be discussed and approved by the CGI.br board. Table 1 lists the cities in which the Forum has been held in the past as well as its prospective location for 2017.

Cost considerations for each year influence the location choices. Brazil is geographically divided into five regions, and the Southeastern and Southern regions are the best connected. The FIB has not yet been held in the Central-West region (where the federal capital, Brasília, is located), which will probably be the choice for the 2018 meeting.

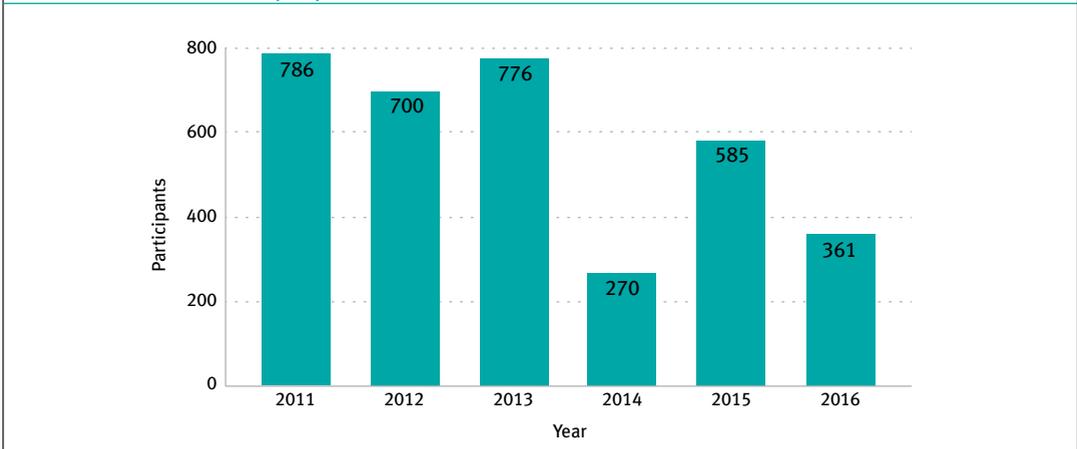
Number of participants in each Forum

Figure 1 details the number of attendees at each FIB event (web-enabled remote participation is excluded).

While the level of participation was high and stable for the first three years of the Forum, the numbers dropped from 2014 onwards. In 2014, specifically, the FIB was held immediately after (and in the same venue as) the NETmundial¹² meeting, when the *Marco Civil* was officially sanctioned. Those two back-to-back events were lengthy and time-consuming processes for the Brazilian stakeholders, which might explain the lowest turnout in the series. In 2015, the level of participation

FIGURE 1.

Number of FIB attendees per year



¹² Global Multistakeholder Meeting on the Future of Internet Governance. netmundial.br

TABLE 2.	
Milestones that influenced the FIB agenda	
2011	Marco Civil submitted to Congress.
2012	Reading of the first draft of Marco Civil by the event's rapporteur, Congress member Alessandro Molon; SOPA (Stop Online Piracy Act) and PIPA (Protect IP Act) ^a were having an impact internationally.
2013	Reactions to Snowden's revelations.
2014	Follow-up to NETmundial event that had just been held.
2015	Special track on cultural diversity in celebration of 20 years of CGI.br; 10th global IGF in João Pessoa; Salvador Letter ^b about the future of the internet in Brazil.
2016	Sustainable Development Goals (SDGs) and internet governance alignment; meeting of consulting commissions of CGI.br as part of FIB agenda; screening of documentaries <i>The Computers</i> ^c and <i>Freenet</i> , ^d which have been helpful in outreach activities to raise awareness about the important role women have for the development of ICTs as well as on the challenges to keep the internet free; panel on "Women in Computing"; launch of the Network Rights Coalition ^e and the Internet Declaration by young Brazilians. ^f
<p>a) Both SOPA (Stop Online Piracy Act) and PIPA (Protect IP Act) were controversial legislative proposals in the United States Congress in 2012, which faced heavy opposition from civil society and academic sectors. Protesters argued that there were no safeguards against these laws being used for censorship by the US government. b) The Salvador Letter was a manifesto written by civil society representatives at the 5th FIB. It demanded that drafts of legislation should be opened for inputs by civil society and that laws regarding the internet should aim at keeping it free, open and a global resource available to everyone. The letter also reinforced the importance of net neutrality principles, as well as the protection of users' personal data. forumdalinternet.cgi.br/library/CartaSalvador.html. c) Available at: eniacprogrammers.org/documentary-info. d) Available at: https://www.freenetfilm.org.br. e) The Coalition is a group of civil society organisations, movements and individuals formed to coordinate actions protecting civil rights on the internet. https://direitosnarede.org.br f) igf2015.br/pt-BR/declaration.</p>	

increased, but in 2016 the number of participants dropped again – last year's event took place amidst the widespread political and economic crisis in Brazil. As a consequence, the CGI.br board had decided to reduce the amount of funding available for supporting public participation in the event. Additionally, the place chosen for the event (in order to cope with the need for geographic rotation of the venue) was far from the city, in a rainy season. These factors helped discourage more participation (nearly half of the people registered did not attend).

The relatively strong participation in 2011-2013 can be attributed in part to the intense national debates on the *Marco Civil*.

Milestones

Table 2 summarises events and processes which had an influence on the FIB's agenda in each year.

FIB and other internet governance processes

CGI.br has taken on a key role in supporting the global IGF by agreeing in 2016 to lead the coordination of the Friends of the IGF (FoIGF),¹³ which aims to make content from the IGF more accessible. It will do this by providing in-house support for the maintenance of the current website and working to develop a process for the streamlined importation of IGF 2016 videos and transcripts into the FoIGF database; identifying supporters and raising resources for the development and implementation of a new website for the FoIGF; and conducting

outreach and engagement activities to build an ecosystem of support for FoIGF.¹⁴

The project involves the maintenance of a structured database of documents, videos and transcripts produced during every single global IGF event. The web portal is currently being adapted to serve as a redundant space for the National and Regional IGF Initiatives (NRIs) to publicise the content they produce.

At the same time, the FIB is actively engaged in discussions that have been carried on by the IGF Support Association, which aims to raise "additional funding from individuals, companies and foundations to keep the IGF the go-to event for everyone who is interested in the Internet and its governance."¹⁵

Parallel discussions on internet governance have also contributed to the identification of intersections and the development of synergies between the national IGF in Brazil and elsewhere. In 2016, for example, the FIB hosted a session on the future of the internet and its role in achieving the 2030 Agenda for Sustainable Development. A similar session was held during the LACIGF, and Brazilian stakeholders involved with the FIB presented the Brazilian experience in detail. Both tracks culminated in several discussions taking place during the global IGF in Guadalajara.

Another example of such alignment is the Youth@IGF programme which was run at the 2015

¹³ friendsoftheigf.org

¹⁴ friendsoftheigf.org/about

¹⁵ www.igf.org

global IGF in João Pessoa in Brazil. This was a partnership between CGI.br and the Internet Society (ISOC). The programme – which aims to enable the participation of young people in the internet governance arena – resonated in the 2016 FIB and in the 2016 and 2017 LACIGFs. The LAC Youth Group is now thriving, and has become one of the most active stakeholders in the global internet governance policy arena. Other issues – such as community networks, the use of spectrum frequencies for internet access provision, efforts to reduce the gender gap, and multilingualism – are areas in which there is likely to be cooperation between the Brazilian IGF and other internet governance processes.

The extent to which the outputs from the regional IGFs are relevant to Brazil cannot be easily measured. The first regional event in 2008 produced a useful document of conclusions and recommendations; the second regional event published an interesting outcomes document with several general recommendations. In 2010 a good summary of the debates also presented general recommendations. The LACIGF in Trinidad and Tobago (2011) was held together with the 7th Caribbean IGF, and the final document emphasised the importance of enhanced regional dialogue. There is scant available documentation on the outputs for the 2012-2015 regional IGFs. The 2016 event in Costa Rica produced a strong consensus document in defence of internet freedom. This shows there is no consistent methodology on outputs and documentation, an issue which should be taken into account for the next regional events.

Conclusions

The 7th FIB will take place in Rio de Janeiro between 14 and 17 November 2017. The overall theme for the event is the same as the theme for the 2017 global IGF, “Shape Your Digital Future”, and the FIB will also mirror the format of the global IGF in order to contribute to formal and substantial interoperability between the two processes. It will include a “Day Zero” with open-ended events in the same venue as the event, just ahead of the official start of the FIB.

A collaborative and open process similar to the one carried out by the global IGF’s MAG was developed in order to define the list of workshops (panels, debates, roundtables, etc.) that will form the 2017 agenda. An external multistakeholder evaluation commission was assembled by CGI.br in order to assess and rank workshop proposals, providing a rationale for CGI.br’s final decision on the full agenda. Besides workshops, CGI.br will hold three main sessions that will focus on still-to-be defined topics (but most likely issues that are high on the internet policy agenda in the country).

Besides representing an effort to increase the level of participation in the organisation and execution of the FIB, the decision to refashion the whole FIB structure was taken by CGI.br with the aim of fostering a positive feedback loop between the national and international processes, and developing a common policy agenda influenced both by international realities and realities in Brazil. Such a bridge would facilitate a permanent inward-outward flow of ideas, best practices and solutions between Brazilian stakeholders and stakeholders from the larger internet governance community. At this point we are not in a position to assert whether such an enterprise will correctly serve the purposes presented above. Continued monitoring of that development is advisable.

Action steps

The following steps are suggested for Brazil:

- Strengthen the networking activities of local stakeholders which may contribute to a more proactive role in internet governance processes and policy development in Brazil.
- Work to ensure more effective engagement and participation in FIB by people and organisations from other countries that are part of international networks and involved in topics which are key to Brazil.
- In line with the above action step, build capacity among and active partnerships with interested stakeholders from other countries.
- Raise awareness on international best practices which may be relevant to the national context.

BULGARIA

THE INTERNET GOVERNANCE FORUM DOES NOT WORK IN COUNTRIES
WHERE GOOD GOVERNANCE DOES NOT WORK



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Introduction

This report considers the evolution of Bulgaria's involvement in Internet Governance Forums (IGFs) and its impact on the governance of top-level domains in the country.

Literature on good governance in general suggests that in environments with weak and captured institutions, positive legislative measures, anti-corruption efforts, and even the introduction of competition in a sector might have counter-intuitive or unexpected results. This is particularly the case if the different agendas of stakeholders are not taken into account, including those that do not have much interest in increasing transparency, competition and inclusiveness.

In line with this perspective, this report argues that embedded local institutions in Bulgaria tend to preserve a poor level of governance even when IGF principles and approaches are applied over a period of time.

Policy, economic and political background

Bulgaria enjoys a growing economy with flourishing information and communications technology (ICT) and knowledge sectors, high internet speeds, and the high diffusion of new technologies. At the same time it remains the poorest country in the European Union (EU) both from a poverty indicator¹ and from an income² perspective, with digital, social and educational exclusion a significant concern. Although politically unstable, with the government changing seven times (including three interim governments) over an eight-year period, Bulgaria enjoys a stable pool of policy makers and implementers at the Ministry of Transport and Communications (MTC) and the associated State ICT Agency. However, this is not a positive sign, as this stability is associated

with crony relationships and a lack of motivation for radical reform.

The government is usually open to inclusive policy development and multistakeholderism when it comes to creating new institutions such as councils, commissions and agencies, and reporting to the EU. However, any time the course of action does not fit the interests of top bureaucrats, this attitude changes. A notable instance was the country's broadband roll-out plan, where the MTC departed substantially from the cost-benefit analysis developed and required by the European Commission (EC). Instead of building infrastructure in areas with no broadband, the MTC invested tens of millions of euros to compete with existing private providers. Only protests on the streets, diplomatic pressure and a threat that the EU would stop a particular line of financing, forced a turnaround.

Unfortunately, when it comes to internet governance and infrastructure investments, this is not always the case. Issues are very sophisticated and the level of engagement by civil society is not enough to place pressure on the government. The government has also been clever enough to create its own quasi-NGOs that look independent, but which are controlled by insiders, to give a sense of credibility in the policy-making and implementation process, while drawing on state funding.

Introduction of .bg TLD as a means to curb the monopoly position of the incumbent registrant: A tale of the unexpected?

Pushing for access to be recognised

Although the multistakeholder approach to good governance and policy making has been experimented with in various internet-related fields in Bulgaria – even prior to the establishment of the global IGF³ – this has not yet had significant impacts. There are various institutional explanations why this is so.

Bulgaria was represented at the World Summit on the Information Society (WSIS) from the very beginning (Geneva, 2003 and Tunis, 2005),

¹ ec.europa.eu/eurostat/statistics-explained/index.php/Europe_2020_indicators_-_poverty_and_social_exclusion

² ec.europa.eu/eurostat/tgm/table.do?tab=table&language=en&pcode=tcc00113

³ In 2017, the first planning event to hold a national IGF was held, but it is unlikely to take place in 2018.

but was not part of the Working Group on Internet Governance (WGIG), similarly to the other Eastern European countries. At that time, the prevailing policy platforms, which also engaged various stakeholders, were eEurope 2002,⁴ eEurope Plus⁵ and eEurope 2005⁶ within the EU accession process. They attracted broad interest and participation on internet governance issues from business associations, academia, civil society and various branches of government, and were accompanied with enough funding to achieve eEurope's milestones and goals.

One clear success in this process was the breakthrough in pressing Eurostat, which is responsible for statistics in the EU, and the European Commission to acknowledge LAN⁷ as a *de facto* broadband type in Bulgaria and other Eastern European countries. Initially it was not counted as internet access and, as a result, Bulgaria was ranked unrealistically low on indices. EU experts were advocating that the Bulgarian incumbent telecom operator should invest in ADSL fixed-line broadband at a time when we had higher speeds at home at lower prices. At that time, even the incumbent was phasing out ADSL technology, offering cheaper fibre-to-the-building or satellite internet. The differences in definition had profound effects on funding and policy choices. It took a strong multistakeholder effort to provide adequate and reliable information about internet diffusion and usage, both to national and European policy makers.

During the first IGF held in Athens in 2006, Bulgaria was represented by the then-Minister of State Administration who was not personally and institutionally interested in internet governance. As a result there were no subsequent stakeholder-wide efforts at engagement. Although not formally decided by any constellation of stakeholders, there was a clear split between policy issues put forward at the IGFs and those that emerged through multistakeholder engagement at eEurope. Both forums also impacted differently on stakeholder engagement in Bulgaria.

For quite some time (at least since 2003), the experts from the MTC participating at the IGF advocated for reforms in generic top-level domain (gTLD) management – first with regard to the monopoly and high prices of Register.BG, and later to

the need for Cyrillic domain names (since 2007). As the IGF was seen to have greater leverage when it came to both issues than any of the EU-level initiatives, these became the top Bulgarian priorities within the IGF setting. All other issues which would be of interest to non-EU countries at the IGF, such as ways to provide affordable, secure and safe internet and various public and private e-services for different target groups, would be routed by the MTC and other stakeholders for attention at the EU level.

Application for a new gTLD

The first formal suggestion to have a Bulgarian gTLD using Cyrillic letters (.бг)⁸ was sent to the Internet Corporation for Assigned Names and Numbers (ICANN) in 2007 by Uninet – an NGO led by Iliya Bazlyankov, who was the main organiser/host of the European Dialogue on Internet Governance (EuroDIG) 2015 and the founder of the South Eastern European Dialogue on Internet Governance (SEED-IG) held in 2015 in Bulgaria. Bazlyankov currently sits on the Multistakeholder Advisory Group (MAG) of the IGF representing his family company (he has been on the MAG since 2016).

In 2008 the Bulgarian government (then represented by the State Agency for Information Technology and Communications) filed an official request for the .бг gTLD and used the first EuroDIG meeting in 2008 to advocate for the domain name. At that time the introduction of a second domain name was seen as a way to push the incumbent registrar to liberalise the procedures and reduce prices. The government believed it had a chance to gain control over the administration of the domain directly or in partnership with business associations, which did not like the incumbent registrar policies.

ICANN refused the .бг domain – because it was visually similar to the .br (Brazil) TLD – just five days after it allowed the first Cyrillic domain, .рф (for Russia), in 2010. A second request was filed by the government, which again was rejected by ICANN in 2011. The idea of having a .бг domain (or other Cyrillic alternatives discussed publicly at the IGF) was criticised initially by some industry representatives, highlighting the need to improve governance of the incumbent registrar in Bulgaria, including through the introduction of competition. Gradually, with higher demands for the proliferation of gTLDs both from non-Latin-alphabet countries and from various businesses worldwide, it became inevitable that ICANN would approve the .бг domain in 2014 during the TLD “big bang”.

4 eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l24226a

5 merlin.obs.coe.int/iris/2001/7/article7.en.html

6 eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l24226

7 Local Area Network (LAN) internet providers were prevailing in Eastern Europe at that time. They connected home and business computers through UTP [unshielded twisted pair] cables to the internet service provider's backbone network, independently from the telephone network (ADSL) and cable television networks (which were the prevailing technologies in Western Europe). LAN speeds were higher (especially for downloads) compared to ADSL.

8 For example, софия.бг is the Sofia (София) Municipality's website.

Yet without the concerted efforts of the experts from the MTC attending IGFs and the group of businesses and NGOs supporting the idea of a new Bulgarian gTLD – among which were the Internet Society-Bulgaria,⁹ Global Libraries Initiative,¹⁰ Association of Electronic Communications,¹¹ Bulgarian Association for Information Technologies and Bulgarian Software Association¹² – it would not have been possible to overcome ICANN’s hesitation. Also critical were other relevant internet governance forums held in Bulgaria such as the Domain Forum¹³ (since 2012), which brought together experts on the issues and built a working confidence between the proponents of the .bg TLD and the senior professional management at the MTC.

Selecting a registrar for a new domain

The Bulgarian domain registrar was established in 1991 by the first internet provider in the country, Digital Systems.¹⁴ Ten years later the domain registration activities had been transferred to a new business entity, Register.BG, owned by the same owners as Digital Systems. Since the introduction of charges for domain registration and maintenance, various civil society organisations, industry and government have criticised the registrar for an over-priced and over-complicated service. The introduction of a new TLD and a public council on internet governance were sought by many internet governance stakeholders as a way to counterbalance the monopoly power of the registrar.

Whether carefully planned or just a nice coincidence, preparation for and the hosting of two major IGF-related events in Sofia in 2015 – EuroDIG and SEEDIG – by the main proponent for the .bg TLD provided legitimacy to the multistakeholder approach for the selection of the registrar of the new domain. The newly registered association, Bulgarian Domain Registrar, which was expected to administer the new .bg TLD in partnership with the MTC, brought together not only the initial proponents but the three largest hosting companies in the country, as well as software companies and various other NGOs.

There was a public bid for selection of the new registrar with two offers – the incumbent registrar

and a commercial company called imena.bg. Somewhat surprisingly, the tendering commission selected imena.bg. However, 75% of its capital is controlled indirectly by the owners of the incumbent registrar.¹⁵ To mimic the multistakeholder approach, which ICANN would be looking for when approving the registrar’s application for managing the TLD, two owners of Register.BG do not appear directly as shareholders in imena.bg, but through three companies. The remaining shares of the capital of imena.bg were given to the Bulgarian Library and Information Association (BLIA)¹⁶ (20%) and the Association of Electronic Communications¹⁷ (5%). This was a dramatic shift from all expectations for introducing more competition and better governance of Bulgarian gTLDs.

To make the situation worse, out of the initial 11 non-governmental representatives at the Public Council on Information Technologies and Internet Governance (established at the end of 2016),¹⁸ there are three representatives of the incumbent registrar (who are also related as family) and one representative of a quasi-NGO, which was part of the commission that approved imena.bg as the gTLD registrar. The Council is supposed to provide overall guidance, oversight and conflict resolution in internet governance in Bulgaria. The fact that Bazlyankov is a member of the Council provides a link to the IGF, yet it is far from being a guarantee that the IGF principles will be followed. Although in the past the MTC had good public-private partnerships with various NGOs represented at the Council, there is zero track-record of effective oversight and implementation of policies approved by the Council and especially led by civil society organisations. Given the fact that most of the senior management at the MTC and the institutions on the Council are the same as during the last decade or more, the risks for effective oversight of gTLD management and country policy implementation are extremely high. In an attempt to balance the interests at the Council, a newly appointed deputy minister assigned two NGOs (among the oldest and most reputable) to the Council in late May 2017. They are the Internet Society-Bulgaria and ARC Fund.¹⁹

9 <https://www.isoc.bg>

10 A joint initiative between Bulgarian Chitalishte (community centres), public libraries and the United Nations Development Programme (UNDP). www.glbulgaria.bg

11 www.bgsec.org

12 www.basscom.org

13 <https://domainforum.global>

14 <https://www.register.bg/user/static/aboutus/en/index.html>

15 <https://www.register.bg>

16 www.lib.bg

17 www.bgsec.org

18 <https://www.mticitc.gov.bg/bg/informacionni-tehnologii/obshtestven-suvet-po-informacionni-tehnologii-i-upravlenie-na-internet/obshtestven-suvet-po-informacionni-tehnologii-i-internet-upravlenie>

19 www.arcfund.net

Domains for public institutions

One serious policy issue that has not been resolved – either by the government or by the new registrar – is how, in the best public interest, to handle the domain names of public institutions. Domain names of various institutions do not properly reflect their institutional affiliations, and municipalities have had their domains registered as .coms following bungling by the registrar. With frequent institutional transformation, the domain legacy is not properly managed. All of this creates risk and uncertainty, and a lack of trust, for citizens and businesses to navigate and trust the online presence of institutions.

This remains the case despite the fact that there has been sufficient time since the .bg approval. The MTC has been well aware of the problem for many years and there have been plenty of suggestions on how the government could streamline the internet presence of public institutions, starting with a standardised way to translate the name of an institution to a domain name, including having as few as possible name changes for institutions. (Quite often, though, name changing and restructuring is conducted only to remove unwanted officials, who otherwise could not be removed.)

Regional reflection

While it has not had a national IGF *per se*, Bulgaria has had its IGF-like national event – the Domain Forum – since 2012. It is linked as a national initiative under the EuroDIG umbrella. Yet the event positions itself as an international event. It does this in an attempt to increase its legitimacy, but also as a manifestation of the “glocality” of all modern events. This led to the creation of the Center for Internet Governance,²⁰ an NGO registered in Bulgaria but with a regional focus, as well as the annual Balkan School for Internet Governance.²¹ The school was launched in Sofia in 2015 alongside EuroDIG and SEEDIG.

EuroDIG and SEEDIG 2015 were well attended by local stakeholders, including a deputy prime minister, Ivailo Kalfin, the Digital Champion for Bulgaria²² Gergana Passi, the deputy minister of the MTC, academia, civil society organisations, journalists and lots of private sector representatives. The forums were inclusive, although rather like a fair instead

of building bridges or strengthening relationships or coalitions between stakeholders. There were no policy commitments made at them, either. The two events have had a strong influence on the region, but had limited national impact. SEEDIG now runs well and independently from EuroDIG, providing additional room for experts and stakeholders from the region to discuss and strengthen cooperation. The 2017 Domain Forum included the first formal planning event for a national IGF in Bulgaria in 2018. With the upcoming Bulgarian presidency of the Council of the EU in 2018, the current internet governance stakeholders in Bulgaria should stand united despite the conflicts and disagreements they have and do their best to get good internet governance principles onto the presidency’s agenda.

Conclusions

Bulgarian internet stakeholders have engaged with European policies, initiatives and activities prior to and during the institutionalisation of the IGF. The latter attracted mid-level government officials and domain-name specialists and entrepreneurs. Instead, a higher involvement by other stakeholders was observed during EuroDIG and SEEDIG in 2015; however, this involvement was short-term and did not translate into sustainable partnerships and commitments that delivered later on.

Despite the success in getting the .bg TLD approved by ICANN, when the incumbent registrar won the bid to maintain the new registry through a new company, the motivation of the private sector and government stakeholders involved dissipated. Bulgaria’s current involvement in the IGF is observed only in EuroDIG and the MAG (but this is more in people’s individual capacity than institutional capacity).

A learning point for the UN: introducing a multistakeholder approach at country level should be accompanied by instruments that can help ensure the positive impact of multistakeholder dialogue. Such instruments could include financing, which would guarantee the implementation of mutually agreed-on projects, and external monitoring.

At the same time, looking at other national, regional or global forums, a failure with respect to concrete policy outcomes is not necessarily the fault of the forums, but of the national commitment to creating these outcomes in the multistakeholder environment that is available. To a certain extent, the IGF works for countries that already have good governance and working relations between stakeholders (like in Estonia) and is less effective in countries where these are absent.

20 <https://cig.bg> (Account temporarily suspended as of 30 September 2017.)

21 <https://bsig.center>

22 <https://ec.europa.eu/digital-single-market/en/content/about-digital-champions>

Action steps

The following issues should receive attention from civil society:

- *Collaboration:* Local civil society could achieve significant results working with international and bilateral organisations, large international non-governmental and not-for-profit organisations and private business to team up and press the Bulgarian government to deliver on promises made at international events or in bilateral communication with EU governments. Too often, local governments are given the luxury of not being asked tough questions, or not being pushed to immediately deal with conflicts of interest or set up transparent procedures.
- *Good governance guidelines:* During the next IGF, a good governance framework should be developed which would provide guidelines on how to resolve conflicts of interest at consultative councils on internet governance at the country level. For example, these could include guidelines on TLD management and how to guarantee the fair pricing of domains. Each year, governments should be assessed vis-à-vis such a framework, and where necessary, pressure should be placed on the government to comply with the guidelines. A system of peer-review could be developed, where civil society organisations from different countries evaluate a situation to avoid unhealthy alliances between governments and civil society organisations (as happens in the Balkans).
- *Research:* One of the unresolved issues in Bulgaria is the standardisation of domain management of public institutions. Although there are various approaches across countries, there seems to be a need for comparative research that highlights good practices.

CAMEROON

THE IGF IN CAMEROON: A ROCKY ROAD TOWARDS EFFECTIVE MULTISTAKEHOLDERISM



PROTEGE QV

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Introduction

Cameroon has been engaged in the Internet Governance Forum (IGF) from the start. The country was part of the two phases (2003 and 2005) of the World Summit on the Information Society that paved the way to the global IGF. It also hosted the Central African IGF in May 2012, and the country's first national IGF took place in August 2013.

When it comes to developing the internet as a socioeconomic tool in the country, Cameroon has some way to go. According to a 2016 report by the International Telecommunication Union (ITU) which analyses the development of information and communications technologies (ICTs) and telecoms in 175 countries worldwide, Cameroon is ranked 18th on the continent and 148th at the global level.¹ Given this, one would imagine that the IGF presents an important opportunity for stakeholders to engage on critical policy issues facing the roll-out of the internet in the Central African country.

The IGF is described as an open and inclusive space bringing together various stakeholders on an equal footing. Does our national IGF really fall within this frame? How is the process leading to the IGF initiated in Cameroon? How is the forum's agenda determined, and what stakeholders are involved?

Policy context

Considered by many as the economic engine of the Central African Economic and Monetary Community (CEMAC), Cameroon boasts the image of a politically stable country. The government embarked on the process meant to lead the country towards modernity through the adoption and implementation of ICT reforms back in 1998 with Law No. 98/014 of 14 July 1998 which regulates telecommunications.

Subsequently this Act was repealed in 2010 by the following:

- Law No. 2010/013 of 21 December 2010 governing electronic communications, amended and completed by Law No. 2015/006 of 20 April 2015.
- Law No. 2010/012 of 21 December 2010 on cybersecurity and cybercrime.²

In addition, Decree No. 2002/092/PR of 8 April 2002 created the National Agency for Information and Communications Technologies (NAICT)³ which was set up to facilitate and accelerate the uptake of ICTs in Cameroon so they can contribute to the development of the country.

In Cameroon, the NAICT is the key actor in the IGF. This stakeholder, representing the government, has the upper hand over civil society, the private sector, as well as the academic and technical communities when it comes to organising the country's IGF.

The overwhelming powers of the NAICT

Building on the momentum generated by its successful organisation of the Central African IGF in 2012, Cameroon hosted its maiden IGF in August 2013. The NAICT was in charge of leading and supervising the process, and still is. The role of the NAICT will therefore constitute the focus of this section.

The IGF in Cameroon is largely dominated by the government. The other stakeholders (civil society, private sector, the academic community and the technical community) do not play a meaningful role in the processes.⁴

Concerning the interests of the various stakeholders, at the uppermost level of the state, the internet is perceived as an engine for innovation and growth. President Paul Biya's statement that "Cameroon needs widespread access to the internet" made during his oath of office in 2004⁵ was based on the belief that ICT tools had the potential

1 ITU. (2016). *Measuring the Information Society Report 2016*. <https://www.itu.int/en/ITU-D/Statistics/Pages/publications/mis2016.aspx>

2 For more information on these laws, see Siyam, S., & Daho, S. (2014). The stammerings of Cameroon's communications surveillance. In A. Finlay (Ed.), *Global Information Society Watch 2014: Communications surveillance in the digital age*. APC & Hivos. www.giswatch.org/en/country-report/communications-surveillance/cameroon

3 www.antic.cm

4 The secretariat is made up of NAICT staff and is also housed at the NAICT headquarters. The process that led to its formation is unknown to other stakeholders.

5 Upon initiating another seven-year term on 3 November 2004.

to benefit both the country's economy and the society as a whole. Yet some years later, as in many other countries, the internet is now considered a serious threat by the Cameroonian authorities.⁶ When it comes to the national IGF, the state's interest is increasingly to stifle critics, as was reflected through this year's domestic IGF theme, "Internet governance and social networks".⁷ However, it is worth pointing out that the previous years' themes were economically and development oriented.

Given civil society's proximity to local people, and their knowledge and understanding of communities, they are well located to promote the internet in these communities, as well as to advocate for the rights of the least well-off. The internet becomes a tool allowing the most vulnerable to surface their concerns, to share their knowledge and interests, and to network. Because of this, internet governance spaces in Cameroon have always served as a rostrum for civil society organisations to advocate for a more egalitarian society through affordable and universal access to the internet. Civil society organisations are also campaigning for IGFs in Cameroon to be truly inclusive and open processes, allowing stakeholders an equal footing.⁸

The technical community is a slippery term in the IGF context.⁹ Let us simply say it encompasses people with a technology and engineering background, but includes anyone from an organisation oriented towards technology. In Cameroon the technical community taking part in IGF processes is often made up of members of the local Internet Society chapter.¹⁰ Their role is mainly to keep attendees abreast of the latest developments and trends in the field of the internet. This may include cybersecurity, critical internet resources, the work and the role of the regional internet registries

(RIRs), the Internet Corporation for Assigned Names and Numbers (ICANN), and so on.

The global economy is increasingly a "digital" economy, and the business sector, whether large, medium-sized or small, relies on an open, stable and trusted internet. This alone suggests the importance of the business sector in the IGF process. However, despite its importance, there is a sense that the private sector is merely "represented" in Cameroon's IGF processes, with little substantial engagement.

After this brief introduction of the actors involved in IGF processes, let us now get into the heart of the matter by discussing what really happens among these players who are supposed to be given equal voice during these processes.

In the course of his opening remarks at the country's first national IGF on 27 August 2013, NAICT's general manager, Ebot Ebot Enaw, prided himself for organising the event and thanked the other stakeholders for "joining" the NAICT to make the forum a successful one. This was a clear indication that the NAICT was the one running the shop. Indeed, up to now, it is the NAICT that decides when and where the IGF is going to take place in Cameroon, without consulting other stakeholders. This year's event was postponed at least once, without any explanation to other players. Four days prior to Cameroon's 2017 IGF, the exact venue in the town of Kribi was still unknown to the other stakeholders, as well as to the general public. It is as if the IGF agenda were subject to the availability of the NAICT's top management. At the end of the gathering, no recommendations were made. This further demonstrates the casualness surrounding the NAICT's IGF style.¹¹

The other stakeholders are clearly on the sidelines. True, they are always informed whenever there are preparatory meetings, but their role is limited. For example, the selection of panellists is made only by the NAICT, and in the process, NAICT staff always take the lion's share of panellist slots for themselves.¹² Because of this, internet governance spaces in Cameroon often look like NAICT workshops – NAICT representatives usually

6 Cameroonian authorities shut down MTN's Twitter service from the 8 to 18 March 2011, allegedly for security reasons. More recently, internet service was suspended in the country's two English-speaking regions from 17 January until 20 April 2017. This was the longest ever internet shutdown on the continent, purportedly once more for security reasons.

7 Users frequently receive text messages from the Ministry of Posts and Telecommunications (MINPOSTEL) on their mobile phones warning them not to use social networks to help destabilise the country. The IGF speakers mostly alluded to legal infringements made using social networks. It is also worth pointing out that this was in the wake of the ongoing Anglophone crisis in the country and the subsequent internet blackout.

8 Civil society spearheaded the recommendation to set up a multistakeholder secretariat for Cameroon's IGF during the first edition in August 2013.

9 Woolf, S. (2014, 29 August). What do terms like multistakeholderism, internet governance, and technical community really mean? *ARIN*. www.teamarin.net/2014/08/29/terms-like-multistakeholderism-internet-governance-technical-community-really-mean

10 www.internetsociety.cm

11 However, the NAICT is not the sole player to be blamed. Civil society and other actors bear a responsibility for making sure that at least resources as important as the IGF's reports are available online. You cannot find Cameroon IGF reports online.

12 With regard to the process leading to the selection of themes and panellists, PROTEGE-QV was asked to participate in 2013 on the eve of the first national IGF, but merely to give an opinion concerning the various presentations received by the NAICT. However, at the end of the day, the final decision was made solely by the NAICT. Since then, we have never been associated with the process, and the the NAICT decides on the themes and selects the panellists alone.

account for nearly half of the panellists. Clearly, key principles of the global IGF, such as a bottom-up approach and transparency, are being rolled back by a powerful NAICT.

Regional reflection

One of the recommendations made at the end of the May 2012 Central African IGF was for participating countries to organise their own national IGFs.¹³ In this light, Cameroon's maiden IGF was greatly inspired by the sub-regional IGF and took place the following year (end of August 2013). The sub-regional IGF's recommendations have always made a point for the countries taking part to push their concerns and challenges onto the regional agenda. Similarly, the first ever Central African IGF (10-11 August 2010) was primarily meant to prepare the region for participation at the global IGF scheduled to take place in Nairobi in 2011.

At the same time, issues discussed and debated at the regional or global level such as cybersecurity, cloud computing, critical internet resources, human rights, and growth and development of the internet, among others, have often set the scene for our domestic IGFs.

Broadly speaking, the interplay between the national IGF and other IGFs is a reality. Regional and global IGF spaces have a strong influence on our domestic IGFs. But the latter are an opportunity to nurture our internet-related positions and bring them to light at the regional and global levels. Similarly, in the months before the global IGF, most other world regions host their own version of the forum to incubate positions to take at the global IGF.¹⁴ The quality of speakers and the relevance of the subjects covered at the national and regional levels are among the means to help improve these processes, and to strengthen the quality and value of internet governance engagement with global stakeholders.

Conclusion

There is still a long way to go before we have a truly inclusive IGF that brings stakeholders together on an equal basis in Cameroon. In the process, civil society is almost forced to clutch at straws. Cash is king! A sole stakeholder – the government – holds the bulk of resources needed to host the IGF in its

hands, a fact that only strengthens the political power it already commands.

One thing is for sure: convening preparatory meetings, renting the forum's venue, providing food for the attendees, paying for the panellists' per diems, and other related costs, require huge means that are out of the reach of civil society organisations in Cameroon. This immediately puts them at a disadvantage in terms of equal participation in the IGF. Funding sources for civil society organisations is a constant concern and constitutes a major hurdle to successfully tip the scales during IGF debates and discussions. At the same time, civil society in the field of ICTs in Cameroon is divided and plagued by internal discord, which hardly helps the situation.

Equally concerning is the lack of engaged participation by the business community in Cameroon. IGF processes and outcomes seem far away from their concerns. We believe that the business community has not properly thought of the issue of power when it comes to setting the ICT policy agenda, and how this can be shifted. It is hard to explain why the private sector seems miles away from events focusing on the internet – despite the fact that the internet offers opportunities, stimulates economic development, creates quality jobs and improves productivity.

Overall, the Cameroonian authorities seem to pay very little considered attention to the IGF processes. No wonder the country is scarcely represented officially during global IGFs; no wonder also our domestic IGFs fail to yield significant or tangible outcomes and are far from being considered as decision-making or policy influence spaces.

Action steps

Civil society organisations in Cameroon are made up of people of good will who are genuinely concerned about the future of the internet in the country.

However, the question still stands: how should they avoid a future where the internet is owned and controlled by the government? Below are some points to ponder for the future:

- Begin a discussion on how the IGF is funded: Start the discussion by calling upon donors and other stakeholders to finance the country's IGFs, in part to financially empower other stakeholders, including civil society, so that they can be on an equal footing with the government.¹⁵

¹³ This was stressed on 27 August 2013 both by the NAICT general manager, Ebot Ebot Enaw, and the Cameroonian Minister of Posts and Telecommunications at the time, Biyiti bi Essam, in their opening remarks during the country's first IGF.

¹⁴ Fidler, M. (2015, 20 October). The African Governance Forum: Continued discomfort with Multistakeholderism. *Council on Foreign Relations*. <https://www.cfr.org/blog/african-internet-governance-forum-continued-discomfort-multistakeholderism-o>

¹⁵ The IGF secretariat is funded through donations from various stakeholder groups. <https://www.intgovforum.org/multilingual/content/funding>

- Revisit the spirit of multistakeholderism: The recommendation to set up a secretariat for the country's domestic IGF that was made back in August 2013 during our maiden IGF needs to be revisited in order to align with the multi-stakeholder character of the IGF. Awareness needs to be raised among stakeholders about the concept of multistakeholderism, and how it impacts on conduct at these events. This can be achieved through online campaigns and during face-to-face meetings organised, convened or attended by civil society organisations
- Act as one: Civil society organisations in Cameroon should leave aside their multitude of uncoordinated and fruitless individual initiatives and stand as one. By so doing, civil society will serve as a counterweight to the NAICT.
- Work with the private sector: The internet is the backbone of our globalised world and the backbone of the globalised economy. Because of this, the private sector should team up with civil society to advocate for a stable and reliable internet, and an internet not subject to disruption or government shutdowns.¹⁶ The two sectors' interests at this level should be aligned.

¹⁶ A conservative estimate by Access Now pegs economic losses of the 94-day internet shutdown in Northwest and Southwest Cameroon at a minimum of USD 4.5 million. See Ndi, N. E. (2017, 24 April). Cameroon counts losses after unprecedented Internet shutdown. *Africa Review*. www.africareview.com/special-reports/Cameroon-counts-losses-after-unprecedented-Internet-shutdown/979182-3901456-a550902/index.html



Alternatives

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Introduction

There has been a definite shift in internet governance in Canada in the past two years. With the arrival of the Liberal Party at the head of the federal government, ending a decade of Conservative rule, reforms at the Canadian telecommunications and broadcasting authority – the Canadian Radio-television and Telecommunications Commission (CRTC)¹ – and increasing momentum on issues related to cyber security and cyber surveillance, there is a renewed interest in the development of a nationwide digital policy. In parallel, discourses in civil society show increasing concerns over Canada's digital divide and lack of connectivity in remote and rural communities, after broadband access was declared a basic telecommunication service. Yet, while most stakeholders are engaged in the conversation to fix the digital divide, it appears that the process has left out one important stakeholder: the Inuit, Métis and First Nations communities in Canada – broadly referred to as the indigenous communities – who are disproportionately impacted by the problem.

The Canadian Internet Forum: An unsteady beginning to internet governance

Canada has never held a national Internet Governance Forum (IGF). A 2009 review of the mandate of the global IGF made by the International Institute for Sustainable Development, a Canadian non-profit organisation, stated that there was no evidence of the IGF having any impact on domestic debate in the country, and described as “narrow” Canada's engagement with the IGF.²

While Canada has not had a national IGF, since 2009 it has held an annual Canadian Internet Forum (CIF).³ This event is organised by the

Canadian Internet Registration Authority (CIRA), a 1,000-member organisation managing the .ca domain and open to anyone holding such a domain. Even though “internet governance” did not appear in the name of the CIF, the forum was presented as a space to discuss internet-related issues of public policy following a multistakeholder approach.

The 2015 edition of the CIF featured general, almost theoretical conversations about internet governance and multistakeholderism, but appeared to lack conversations on specific domestic challenges such as access to broadband infrastructures, digital surveillance, and intellectual property. For instance, while the event report mentions that the meaning of internet governance is “broad and often confusing”⁴ for participants, very little is said about what Canada's approach to internet governance should be, on the national or global level.

The internet declared a basic service

In October 2015, Canada ended the decade-long reign of the Conservatives when the Liberal Party, led by Prime Minister Justin Trudeau, won the federal election. Sweeping, numerous and broad legislative changes punctuated the Conservatives' rule. Concerns over cyber misogyny, cyber surveillance and online privacy grew to enter mainstream discourse in Canada.⁵ In parallel, controversial bills, such as the Anti-terrorism Act,⁶ the Protecting Children from Internet Predators Act⁷ and Protecting Canadians from Online Crime Act⁸ were introduced in Parliament and significantly increased the state's capacity to invade privacy, specifically in relation to broadened police powers.

In April 2016, the CRTC started public hearings on basic telecommunications services in the National Capital Region. The last review of what should

1 www.crtc.gc.ca

2 Creech, H. et al. (2009). *Review of the Mandate of the Internet Governance Forum*. Winnipeg: International Institute for Sustainable Development. https://www.iisd.org/sites/default/files/publications/igf_mandate_review.pdf

3 <https://cira.ca/canadian-internet-forum>

4 Canadian Internet Registration Authority. (2015). *Canadian Internet Forum: Vision and Leadership for a Canadian Internet*. https://cira.ca/sites/default/files/public/canadian-internet-forum-report-2015_o.pdf

5 See our contribution to the 2014 edition of GISWatch: <https://www.giswatch.org/es/node/2052>

6 <https://www.parl.ca/legisinfo/BillDetails.aspx?billId=6842344&Language=E&Mode=1>

7 <https://www.parl.ca/legisinfo/BillDetails.aspx?billId=5375610&Language=E>

8 <https://www.parl.ca/DocumentViewer/en/41-2/bill/C-13/third-reading/page-27#1>

constitute basic telecommunications services in Canada was held in 2011 and was limited to local landline service, long-distance rates, dial-up internet access, voice messaging relay service, and the free delivery of printed copies of local phone books.⁹

Following the 2016 hearings, the CRTC ultimately declared broadband internet access a basic service throughout the country and created new speed targets.¹⁰ Users should now be able to access at least 50 megabits per second for downloads and 10 megabits per second for uploads, representing a tenfold increase from previous speed targets. The CRTC also stated that mobile wireless networks should be accessible in Canadian households and businesses as well as along major transportation roads.

To achieve those goals, the CRTC set up a fund expected to gather CAD 750 million in the next five years to improve high-speed internet infrastructure where it is lacking or unavailable. OpenMedia, a non-profit advocacy group based in Vancouver, launched a campaign to encourage the CRTC to fund community-driven initiatives instead of telecommunications corporations.¹¹

The CRTC ruling, often described as historic, decisively shifted the regulatory focus from wireline voice service to broadband internet access services. It also came in a few days after the 2016 Liberal government announcement of a CAD 500-million investment to improve high-speed internet infrastructure in rural and remote communities by 2021.

A few months later, the 2016 CIF, titled “Broadband and the Modern Technology Economy”, focused on broadband access, delivery and technology, and stressed the importance of developing an “overarching federal broadband strategy to carry Canada into the future.”¹²

A year later, in September 2017, Canada’s francophone province held its first Quebec IGF,¹³ organised by the Quebec chapter of the Internet Society (ISOC),¹⁴ and with a significant participation of civil society. The event painted a comprehensive picture of the current realities and issues related

to the internet in the predominantly francophone province. The local event traced its genesis to the international IGF model and sought to create a network among multiple stakeholders. It gathered participants from industry, including small or emerging businesses, academia and journalists. It also included participants from the cultural and legal sectors working on new technological platforms for existing services. The resulting report¹⁵ features over 40 recommendations on open data, connectivity, blockchain technologies, and digital inclusion.

A digital divide in a connected country

Canada remains one of the most connected countries in the world, but a great digital divide exists within its borders. Many actors in civil society hope that the recent CRTC decision on basic telecommunications services will provide the stability required to develop a long-overdue national broadband strategy that will go beyond current federal financial incentives to drive market forces to disconnected areas and will address issues of affordability, content and technical literacy at the root of the digital divide. Other actors from the industry and market forces believe that the CRTC’s speed targets are already obsolete compared to what is offered on the market, but agree with the importance of bringing infrastructure to remote or rural areas to ensure internet accessibility.

In 2001, a National Broadband Task Force was created to ensure access to broadband services in all households, businesses and public institutions in Canada by 2004. Its report identified as a priority the connectivity of First Nations, Inuit, rural and remote communities and insisted that the rates offered to those communities be comparable to those offered in more densely populated areas.¹⁶ Fifteen years later, 100% of Canadians living in urban areas have access to broadband while only 85% of those in rural or remote areas have access.¹⁷ More importantly, Canada has been consistently ranked in the bottom third of broadband subscriptions for years according to reports from the Organisation for Economic Co-operation and Development (OECD).¹⁸

9 Jackson, E. (2016, 19 December). CRTC’s ‘cornerstone’ ruling on basic telecom service expected to have repercussions for telcos. *Financial Post*. business.financialpost.com/technology/crtcs-cornerstone-ruling-on-basic-telecom-service-expected-to-have-repercussions-for-telcos

10 www.crtc.gc.ca/eng/internet/internet.htm

11 <https://act.openmedia.org/communityBBfirst>; see also the Community Broadband Initiative, hosted by OpenMedia and funded by CIRA: <https://community-broadband.ca>

12 Canadian Internet Registration Authority. (2016). *Canadian Internet Forum: Broadband and the Modern Digital Economy*. <https://cira.ca/sites/default/files/public/Canadian-Internet-Forum-2016-Report-EN.pdf>

13 <https://isoc.quebec/en/projects/fgi-quebec-en>

14 <https://isoc.quebec/en/home>

15 Internet Society of Quebec. (2017). *Forum sur la Gouvernance de l’Internet au Québec: Rapport de synthèse*. <https://isoc.quebec/wp-content/uploads/2017/07/RapportFGIQuebec2017.pdf>

16 National Broadband Task Force. (2001). *The new national dream: Networking the nation for broadband access*. ftp://ftp.cordis.europa.eu/pub/ist/docs/ka4/mb_broadbandcanada.pdf

17 <https://cira.ca/factbook/2015/the-canadian-internet.html>

18 www.oecd.org/sti/broadband/oecd-broadband-portal.htm; Geist, M. (2014, 23 July). OECD Releases New Broadband Data: Canada Ranks in Bottom Third on Mobile Broadband Subscriptions. *Michael Geist*. www.michaelgeist.ca/2014/07/canada-ranks-bottom-third-oecd-countries-wireless-broadband

Yet a governmental disinterest in building broadband infrastructure is hardly the culprit. The past few years witnessed continuing efforts from the federal government to ensure universal broadband access through financial investment. In 2014, the Connecting Canadians programme launched as part of Digital Canada 150 – a Canadian digital strategy leading to the end of 2017, the 150th anniversary of the founding of Canada – pledged internet access to 280,000 Canadians by 2017 through a CAD 305-million investment.¹⁹ Since then, the revised target date was pushed to March 2019.²⁰

One key problem is the market logic of connecting the unconnected. Connectivity problems in Canada disproportionately affect indigenous communities, many of which are considered to be located in “remote or rural” areas of the country.²¹ The federal government does encourage the development of broadband infrastructure through financial investment, but leaves that development to market forces. Yet, in line with the market logic, the provision of telecommunication services to remote or rural communities is considered unprofitable because of high entry costs and low population densities. A 2010 report found that on average, households from the 537 First Nations communities in Canada pay more for broadband services and receive less access to broadband services than urban households.²²

Some critics argue that the federal government’s approach is inherently flawed. Michael Geist, a law professor at the University of Ottawa and Canada Research Chair in Internet and E-Commerce Law, described the process of developing maps to identify disconnected communities and set up tailored programmes to improve their connectivity as a guarantee that “Canada would fall short.” Despite marginal improved access rates, the approach, he stressed, fails to set cohesive national goals and only serves to “avoid the embarrassment that might arise by failing to meet the broadband targets.”²³

Community connection

In this context, several indigenous communities have developed their own private broadband services, operated by and within the community. Examples include the Kuhkenah Network (K-Net),²⁴ a First Nations-owned and operated initiative based in the town of Sioux Lookout, Ontario, that caters to communities in northwestern Ontario; the Ktunaxa Nation Network,²⁵ an internet service provider in the Kootenay region of British Columbia; the Métis Connectivity initiative in Alberta; and Qiniq²⁶ in Nunavut. These initiatives are documented by the First Mile Connectivity Consortium,²⁷ a non-profit organisation that provides information on the challenges faced by remote and rural indigenous communities and is developing evidence-based policies. In a nutshell, the “First Mile” approach refers to the idea of an indigenous community controlling its local broadband system by applying the First Nations OCAP (ownership, control, access and possession) principles²⁸ to telecommunications.

These initiatives help to ensure broadband access in certain areas in Canada, but cannot, as community-driven organisations, provide a cohesive national solution to the indigenous digital divide in Canada; a digital divide which further accentuates the marginalisation of First Nations communities in Canada. In other words, the effect of the digital divide goes beyond the simple fact of not being connected to the internet and excludes indigenous people from education, social services and employment opportunities.

Regional ramifications

It is unclear what the level of interest in indigenous connection is within existing initiatives like the CIF and the Quebec IGF. Both events identify the digital divide as a local and national issue, but do not address it with indigenous actors and communities. In parallel, indigenous communities are increasingly involved in grassroots initiatives to address the digital divide and provide broadband access to their members. It is also clear that these issues are relevant throughout North America, and not limited to remote Canadian communities. Indeed, an Indigenous Connectivity Summit²⁹ will be held in November 2017 in Santa Fe, New Mexico, where

19 <https://www.ic.gc.ca/eic/site/028.nsf/eng/home>

20 Chung, E. (2015, 30 January). FCC’s new broadband internet leaves Canada behind. *CBC*. <https://www.cbc.ca/news/technology/fcc-5-new-broadband-internet-target-leaves-canada-behind-1.2938440>; Digital Canada 150. (2015). FAQs for ISPs. <https://www.ic.gc.ca/eic/site/028.nsf/eng/50009.html>

21 Fiser, A. (2010). A map of broadband availability in Canada’s Indigenous and northern communities: Access, management models, and digital divides. *Communication, Politics and Culture*, 43(1). adamfiser.com/sites/default/files/Fiser2010.PDF

22 *Ibid.*

23 Geist, M. (2015, 19 May). Why is Canada So Slow to Provide Affordable Web Access? *The Yee*. <https://theyee.ca/Mediacheck/2015/05/19/Canada-Slow-Web-Access>

24 knet.ca/node/2

25 firstmile.ca/ktunaxa-nation-network

26 <https://www.qiniq.com>

27 firstmile.ca

28 A set of standards that establish how First Nations data should be collected, protected, used or shared.

29 <https://www.internetsociety.org/events/indigenous-connectivity-summit>

indigenous communities throughout North America will gather to address the issue of affordable, accessible and high-speed internet as a support for social and economic development. Organised by the New Mexico chapter of ISOC³⁰ and the First Mile Connectivity Consortium, the upcoming (at the time of writing) event seeks to gather community network managers and operators, providers of indigenous-owned internet services, indigenous leaders and community members.

Conclusion

It seems then that Canada is more interested in digital policy than internet governance. Nevertheless, the recent momentum around internet issues and renewed interest in a cohesive national broadband strategy both point to a clear shift in dominant discourse in the country. Bridging the digital divide appears to be a priority for all stakeholders from the government level, civil society and industry. It appears crucial to keep monitoring those conversations about geographical access to broadband to see how they develop.

In this context, the lack of a truly multistakeholder internet governance approach shows up the pitfalls of deploying an effective national digital policy while the digital divide remains unsolved. A broadband strategy, where the voices of indigenous groups are not heard, is likely to perpetuate the

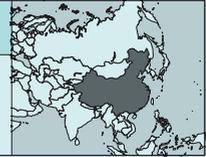
gaps despite the financial engagement of the federal government and agreement of stakeholders as to the magnitude of the problem. Another problem is the fact that conversations about the digital divide in Canada focus on broadband access, but only address affordability of broadband access on its periphery. This repeats a pattern that further isolates indigenous communities by putting the onus of developing infrastructure on market forces.

Action steps

The following steps are suggested for civil society in Canada:

- Advocate for the prioritisation of funding to community-driven initiatives to develop broadband access for First Nations, Métis and Inuit communities throughout Canada.
- Take leadership or at least an active part in organising a Canadian IGF that truly adopts a multistakeholder approach by connecting with academics and grassroots organisations.
- Proactively secure the participation of First Nations, Métis and Inuit communities.
- Monitor recommendations and plans of action that come out of the Indigenous Connectivity Summit in November 2017.
- Develop and update data related to underserved and unserved communities throughout Canada.

³⁰ www.internetsocietynm.org



Hudson Lockett

Introduction

Domestic restrictions on internet access and online activity in China are already widely known, primarily in the form of the so-called Great Firewall used to block foreign social networks (e.g. Facebook, Twitter) and news sources (e.g. *The New York Times*, BBC), as well as extensive domestic censorship of all media and surveillance of – and through – Chinese platforms including WeChat,¹ the current dominant social network and app ecosystem.²

Since late 2013, following revelations about the United States (US) government's expansive global online surveillance programme, the tightening of domestic controls over the internet and its underlying technology in China has been paired with increasingly aggressive assertions by Beijing on the global stage of its right to do so – part of a drive to confront and co-opt as necessary the levers of international internet governance to better ensure compatibility with norms established by the Chinese Communist Party (CCP).

Rather than submit to the inclusive, collaborative, multistakeholder approach to internet governance espoused at many Internet Governance Forums (IGFs) at the national, regional and global levels, Beijing has in recent years railed against what it considers the “internet hegemony” of the US and has demanded respect of its “cyber sovereignty” (网络主权 *wangluo zhuquan*, literally “network sovereignty”) – the right to wall off its corner of the internet to such an extent that it increasingly resembles a national intranet.

Perhaps no platform has served to crystallise the party's aims for global internet governance so much as the World Internet Conference (WIC). This state-run counterweight to prevailing ideas circulating at IGFs, held late every year since 2014 in the canal town of Wuzhen in eastern China, has been

used as a megaphone for advancing the CCP's views on internet governance to an international audience – with mixed results.

Policy and political background

The WIC's creation stems from a desire to protect domestic internet controls viewed by the party as necessary for ensuring its continued rule. Central to this effort is the Cyberspace Administration of China, formally established by President Xi Jinping in late 2013 as a means of improving coordination on internet governance between different government ministries, and led by Lu Wei, previously vice-mayor of Beijing and a canny and outspoken advocate of more stringent internet controls.³

Lu's tenure marked a departure from Beijing's previous strategy of denying or obfuscating its restrictions on online expression and organisation. Lu instead acknowledged and openly endorsed shutting down or blocking websites and companies that did not toe the party line. “I, indeed, may choose who comes into my house,” he told reporters at a conference in 2015. “They can come if they are friends.”⁴

Before his removal from office in mid-2016, Lu also advanced the case for this regime on the world stage at the first two WICs. The most recent conference under his successor showed that the programme launched under his tenure to advocate for Beijing's right to influence global internet governance standards is unlikely to change course.

The World Internet Conference 2014

The announcement of the first three-day WIC came less than a month before it commenced on 19 November 2014.⁵ State media described it as a “worldwide network summit on how the Internet

1 <https://www.wechat.com>

2 Lockett, H. (2016). Closing the door on cultural freedoms in the era of “web celebs”. In Finlay, A. (Ed.), *Global Information Society Watch 2016*. Association for Progressive Communications and International Development Research Centre. www.giswatch.org/en/country-report/economic-social-and-cultural-rights-escrs/china

3 Alsbah, N. (2016, 15 September). Information Control 2.0: The Cyberspace Administration of China tames the internet. *Mercator Institute for China Studies (MERICS)*. www.merics.org/en/merics-analysis/china-monitor/information-control-20

4 Martina, M. (2015, 9 December). China's cyber chief defends censorship ahead of Internet conference. *Reuters*. <https://www.reuters.com/article/us-china-internet/chinas-cyber-chief-defends-censorship-ahead-of-internet-conference-idUSKBN0tSoX720151209>

5 World Internet Conference. (2014, 7 November). The 1st World Internet Conference to Open in November, 2014. www.wicnews.cn/system/2014/11/07/020347212.shtml

should be governed” and an opportunity for Beijing to “seek consensus with Washington.”⁶

No high-level US officials attended, but top Chinese attendees included Alibaba chairman Jack Ma, Tencent chairman Pony Ma and Baidu CEO Li Yanhong.⁷

Representatives from Apple, LinkedIn, Facebook, Qualcomm, Microsoft, Amazon and Cisco Systems were also in attendance,⁸ along with Fadi Chehadé, CEO of the Internet Corporation for Assigned Names and Numbers (ICANN).⁹ The record-setting initial public offering in September of the e-commerce conglomerate Alibaba on the New York Stock Exchange helped underscore China’s growing clout as a force to be reckoned with in the global technology sector.¹⁰

In a video message to the conference on its opening day, Xi told attendees that China was ready to “jointly build... an international governance system [based on] multilateralism, democracy and transparency.”¹¹

The first descriptor – “multilateralism” – was paramount, referring to a system primarily controlled by governments as opposed to a “multistakeholder” scheme in which power is shared among a wide range of actors including academics, representatives of civil society and businesses.

On the conference’s second day, Chinese Premier Li Keqiang spoke publicly with officials and executives from domestic and foreign companies, indicating the latter were welcome in China and that their business interests would be protected. Tweets and posts to Facebook made from Wuzhen communicating this message were enabled by a temporary hole in China’s Great Firewall that authorities had opened exclusively for WIC attendees.¹²

But this more collaborative vision was dashed when, late on the second night, a two-page draft document titled the “Wuzhen Declaration” was

slipped under the hotel doors of some attendees. An accompanying note told recipients that “many speakers and participants” had suggested such a declaration be released at the closing ceremony and that they had until 8 a.m. to request revisions to its contents.¹³

The Wuzhen Declaration called on the international community to:

1. Enhance cyberspace connectivity
2. Respect the internet sovereignty of all countries
3. Jointly safeguard cyber security
4. Jointly fight cyber terrorism
5. Advance development of internet technology
6. Vigorously develop the internet economy
7. Widely spread positive energy
8. Be dedicated to the healthy growth of young people
9. Work for a cyberspace shared and governed by all.¹⁴

In addition to items 2 and 9, which explicitly endorsed Beijing’s major goals for internet governance, items 7 and 8 employed language frequently used by the party when clamping down on expression online (see the China country reports in GISWatch 2014¹⁵ and 2016).¹⁶

But the conference ended without any mention of the declaration. News media later reported that during late-night negotiations, Western representatives refused to endorse Lu’s assertion that consensus on the declaration had been reached because some attendees had endorsed it. He reportedly walked out of the meeting in response, refusing to compromise.¹⁷

Among governments that have publicly endorsed positions from the declaration are Russia and four other nations which, on 9 January 2015, co-signed China’s submission of a new internet code of conduct to the United Nations (UN), arguing that

6 Cao, Y. (2014, 31 October). Consensus sought with US on governance of Internet. *China Daily*. www.chinadaily.com.cn/cndy/2014-10/31/content_18832672.htm

7 Wang, X. (2014, 30 October). World Internet leaders come to China in Nov. *Xinhua*. September 2014. english.cntv.cn/2014/11/18/ART1416303109508274.shtml

8 Wan, A. (2014, 21 November). Premier Li Keqiang offers reassurance for world’s biggest internet firms. *South China Morning Post*. www.scmp.com/news/china/article/1644900/premier-li-keqiang-offers-reassurance-worlds-biggest-internet-firms

9 Wang, X. (2014, 30 October). Op. cit.

10 Demos, T, & Osawa, J. (2014, 19 September). Alibaba Debut Makes a Splash. *The Wall Street Journal*. <https://www.wsj.com/articles/alibaba-shares-trade-higher-in-ipo-1411142120>

11 Wong Tsoi-lai, C. (2014, 20 November). China lays out vision for Web governance. *Global Times*. www.globaltimes.cn/content/892731.shtml

12 Cao, Y. (2014, 31 October). Op. cit.

13 Moser, P, & Perlez, J. (2014, 2 December). Gregarious and Direct: China’s Web Doorkeeper. *The New York Times*. <https://www.nytimes.com/2014/12/02/world/asia/gregarious-and-direct-chinas-web-doorkeeper.html>

14 https://www.scribd.com/document/247566581/World-Internet-Conference-Draft-Declaration?ad_group=72705X1553005X77b4f9d5d11783074ec40d4691526634&campaign=Skimbit%2C+Ltd.&content=10079&irgwc=1&keyword=ft750noi&medium=affiliate&source=impacetradius

15 Lockett, H. (2014). Discourse deferred: PRC netizens swap public microblogs for the not-so-private digital dinner table. In Finlay, A. (Ed.), *Global Information Society Watch 2014*. Association for Progressive Communications and Humanist Institute for Development Cooperation (Hivos). www.giswatch.org/en/country-report/communications-surveillance/china

16 Lockett, H. (2016). Op. cit.

17 Moser, P, & Perlez, J. (2014, 2 December).

“policy authority for Internet-related public issues is the sovereign right of States.”¹⁸

The proposal also called for shifting critical functions from ICANN – the steward of the global internet’s address book and at the time still nominally accountable to the US government – to the UN’s International Telecommunication Union (ITU).

The World Internet Conference 2015

The announcement that Xi himself would deliver a keynote speech at the opening ceremony of the second WIC on 16 December 2015¹⁹ gave the second WIC a far higher profile – and effectively guaranteed attendance from higher-level officials and executives.

In his keynote speech, Xi outlined five principles necessary to “make progress in the transformation of the global Internet governance system” – the first of which was “respect for cyber sovereignty”. He also stressed that “International cyberspace governance should feature a multilateral approach with multi-party participation” that would help create a “community of common destiny”.²⁰

Lu Wei would later explain in an article published in the prestigious CCP journal *Seeking Truth* that this community was not a group of nations connected by a global network enabling the free exchange of information. Rather, it was a governance system in which all countries possessed “equal rights to participation, rights to development and rights to governance” – one in which cyber sovereignty was a given.²¹

Beijing’s promotion of state-led internet governance received another boost on the same day as Xi’s speech when the UN General Assembly adopted a document on policy and frameworks for internet governance recognising that the management of the internet as a global facility includes “multilateral”

processes. Chinese negotiators were, however, unsuccessful in excising phrases including “democratic” and “freedom of expression” from the document.²²

Yet the conference’s greatest surprise came on the final day of the conference when WIC organisers from the Cyberspace Administration of China announced that they had two days earlier established the “Wuzhen Initiative” – a “high-level advisory committee” to guide the agenda of future conferences.²³

Organisers also revealed that the committee had not only already had its first meeting on the sidelines of the WIC but that, along with Alibaba founder Jack Ma, it was co-chaired by ICANN CEO Fadi Chehadé.²⁴

This was remarkable because the Wuzhen Initiative explicitly endorsed Beijing’s positions on internet governance, emphasising the “importance of respect for nations’ sovereignty in cyberspace” and calling for improvements to global internet governance to create a “multilateral” system.²⁵

In his capacity as CEO of ICANN – whose then-ongoing transition to an independent organisation was entirely reliant on a multistakeholder model – Chehadé’s endorsement of the Wuzhen Initiative lent unprecedented institutional legitimacy to Beijing’s call for internet governance to be controlled primarily by national governments.²⁶

The World Internet Conference 2016

Though unexpected, the resignation in late June 2016 of Lu Wei from his post as director of the Cyberspace Administration of China prompted little speculation that policy would change under his successor Xu Lin, who had worked under Xi Jinping in Shanghai in 2007.²⁷

18 Letter dated 9 January 2015 from the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan. www.un.org/Docs/journal/asp/ws.asp?m=A/69/723.

19 He, H. (2015, 9 December). China’s president to make first speech to global web forum. *South China Morning Post*. www.scmp.com/news/china/article/1889118/chinas-president-make-first-speech-global-web-forum

20 Remarks by H.E. Xi Jinping President of the People’s Republic of China at the Opening Ceremony of the Second World Internet Conference. Ministry of Foreign Affairs of the People’s Republic of China. www.fmprc.gov.cn/mfa_eng/wjdt_665385/zjh_665391/t1327570.shtml

21 Lu, W. (2016, 29 February). Persisting in Respect for the Principle of Cyber Sovereignty, Promoting the Construction of a Community of Common Destiny in Cyberspace. *Seeking Truth*. www.qsttheory.cn/dukan/qs/2016-02/29/c_1118164592.htm Translation referenced from China Copyright and Media: <https://chinacopyrightandmedia.wordpress.com/2016/03/02/persisting-in-respect-for-the-principle-of-cyber-sovereignty-promoting-the-construction-of-a-community-of-common-destiny-in-cyberspace>

22 Levin, D. (2015, 16 December). At U.N., China Tries to Influence Fight Over Internet Control. *The New York Times*. <https://www.nytimes.com/2015/12/17/technology/china-wins-battle-with-un-over-word-in-internet-control-document.html>

23 World Internet Conference. (2015, 18 December). The 2nd WIC Organizing Committee proposes the Wuzhen Initiative. www.wuzhenwic.org/2015-12/18/c_48241.htm

24 World Internet Conference. (2015, 21 December). High-level advisory committee established for World Internet Conference. www.wuzhenwic.org/2015-12/21/c_48303.htm

25 World Internet Conference. (2015, 18 December). Op. cit.

26 Although Chehadé’s membership in the Wuzhen Initiative provoked conflict and helped spur US legislators to attempt to halt ICANN’s transition to a multistakeholder model, the US government relinquished control of ICANN on 1 October, about 10 days before the third WIC was announced for 16–18 November. See: Moyer, E. (2016, 1 October). US hands internet control to ICANN. *CNET*. <https://www.cnet.com/news/us-internet-control-ted-cruz-free-speech-russia-china-internet-corporation-assigned-names-numbers>

27 Perlez, J, & Moser, P. (2016, 29 June). Lu Wei, China’s Internet Czar, Will Step Down From Post. *The New York Times*. https://www.nytimes.com/2016/06/30/business/international/china-internet-lu-wei.html?_r=0

In a video message on the WIC's first day, Xi reiterated that China would work with the international community to "uphold cyber sovereignty, promote more fair and equitable global internet governance and bring about an open, inclusive and secure cyberspace."²⁸

Yet without the presence of Xi onstage, the event's prestige was inevitably lessened. Attendance fell by 400 and coverage of the WIC by foreign media was diminished. While the attention of the latter was largely monopolised at the time by the 2016 US presidential election, the conference's lower international profile may also have been exacerbated by the decision to no longer grant attendees unfiltered access to the global internet.²⁹ Despite enthusiastic coverage from state media, the third WIC closed without much fanfare, leaving its fate in the grand scheme of Beijing's internet strategy uncertain – even if the strategy's direction is anything but.

In July 2017, the Cyberspace Administration of China organising committee for the WIC announced that the fourth conference would be held in early December.³⁰

Staging indirect influence

It can reasonably be argued that the WIC has had little to no direct impact on other IGFs at the regional and global level. Despite a picturesque location, high-profile foreign attendees and an ostensibly international moniker, the WIC is largely China-focused.

Almost every panel, forum or event from its first three years has been dominated by party-state officials, academics from Beijing-backed think tanks or representatives from Chinese information technology companies. Among the 49 individuals named in the agenda for panels and events at the 2016 conference, only three were not from China.

To the extent that the WIC does touch on the internet governance principles of openness, transparency and inclusiveness, it does so in direct opposition to these principles. Though state media coverage highlights other topics of discussion at the conference, the emphasis placed on cyber sovereignty and multilateral internet governance in

keynote speeches makes the core message of the WIC clear.

To the extent that the WIC influences other internet governance gatherings, including the global IGF, it does so indirectly by establishing a counterpoint to the values typically espoused at these forums. It also reminds global tech firms – a key cohort in the multistakeholder model of global internet governance – that their presence in China is contingent on total compliance with demands from Beijing.

Conclusion

The CCP has used its own, state-backed forum on internet governance to advance the view that its "cyber sovereignty" over online activity within its borders should not just be respected by other nations – it should be adopted as the global standard in order to counter what it views as the prevailing "internet hegemony" of the US.

In contrast to the open and multistakeholder model advocated by the global IGF, Beijing's vision of the global internet, as demonstrated by speeches and policy statements at the WIC, is one of a web of tenuously connected intranets overseen by multilateral institutions and controlled by sovereign states able to police all online activity that occurs within their borders with absolute authority.

The WIC is one front in a campaign to advance Beijing's model which is complemented by multilateral institutions like the Shanghai Cooperation Organisation,³¹ all but one member of which were signatories to China's 2015 proposal to overhaul internet governance at the UN.

Incidents like the Wuzhen Declaration conflict in 2014 indicate that Beijing has made little headway in bringing Western nations around to its way of thinking on internet governance. But the CCP's ability to use economic sway over members of other multilateral institutions to shield itself from criticism over domestic crackdowns on expression – both online and offline – should not be underestimated. In June 2017, Greece, a major recipient of economic aid from China, successfully blocked a European Union statement at the United Nations criticising Beijing's human rights record.³²

Nor should the impact of messaging to tech companies be ignored. Just days after the close of the third WIC, Facebook was reported to have

²⁸ <https://www.youtube.com/watch?v=Os-oc3lqM4Y>.

²⁹ Dou, E. (2016, 16 November). China's Xi Jinping Opens Tech Conference With Call for 'Cyber Sovereignty'. *The Wall Street Journal*. <https://www.wsj.com/articles/chinas-xi-jinping-opens-tech-conference-with-call-for-cyber-sovereignty-1479273347>

³⁰ World Internet Conference. (2017, 17 July). Call for World Leading Internet Scientific and Technological Achievements to be Released at the 4th World Internet Conference. www.wuzhenwic.org/2017-07/17/c_84191.htm

³¹ eng.sectsc.org/about_sco

³² Emmott, R, & Koutantou, A. (2017, 18 June). Greece blocks EU statement on China human rights at U.N. *Reuters*. <https://www.reuters.com/article/us-eu-un-rights/greece-blocks-eu-statement-on-china-human-rights-at-u-n-idUSKBN199oFP>

internally developed a censorship tool to filter certain posts based on geographic location as a means of potentially entering the China market.³³ In July 2017, Apple removed apps enabling unrestricted internet access from its app store in China at Beijing's request.³⁴

Action steps

The following action steps can be suggested for China:

- Since civil society is essentially barred from participation in China's governance more generally, the onus falls on parties interacting with Beijing on the matter of internet governance to be aware of its goals and remain sensitive to the language and terms it employs to promote them.
- Members of civil society, academics and technical experts participating in regional and global IGFs elsewhere in the world should remain vigilant when dealing with governments and corporations with ties to Beijing or which have a substantial presence in the China market.
- Despite its diminished stature in 2016, the WIC is likely to continue being held every year in Wuzhen for the foreseeable future and will remain Beijing's primary platform for enunciating its views on internet governance. Participants should realise that their presence may provide greater legitimacy to these views and that their express endorsement may not be seen as necessary for a "consensus" document to be issued by organisers.

33 Isaac, M. (2016, 22 November). Facebook Said to Create Censorship Tool to Get Back Into China. *The New York Times*. <https://www.nytimes.com/2016/11/22/technology/facebook-censorship-tool-china.html>.

34 Pierson, D. (2017, 31 July). Apple removes VPN services from App Store in China, making it harder to circumvent online censors. *Los Angeles Times*. www.latimes.com/business/la-fi-tn-apple-china-vpn-20170731-story.html



Colnodo

Ariel Barbosa, with members of the Colombian Bureau of Internet Governance¹
www.colnodo.apc.org

Introduction

The Colombian Bureau of Internet Governance² – *Mesa Colombiana de Gobernanza de Internet* in Spanish – is a multistakeholder group that has been facilitating discussions and debates on the future of the internet in the country since 2013. While it is called a “Bureau”, it follows the same guidelines published by the Internet Governance Forum (IGF) to assist communities in establishing IGF initiatives.³ At the time of writing, the Bureau had organised three national IGFs, and one was being planned.

Colombia is a country with great social challenges – including when it comes to constructing the space for discussion that gives voice to communities and citizens who are normally excluded the decision-making processes. Part of this is because of the remoteness of urban centres and the internal conflict that has existed in the country since the mid-20th century.

This report describes how the Colombian Bureau of Internet Governance was set up and some of the challenges it faces.

Policy and political background

It is presently a historical moment in Colombia because of the signing of the peace agreement between the country’s largest guerrilla group and the national government. To date, this agreement has resulted in the demobilisation of more than 7,000 guerrillas, the surrendering of their weapons, and the creation of a political party from former fighters (FARC – *Fuerza Alternativa Revolucionaria del Común*).⁴ Therefore, this agreement has sown great

expectations for both sides. Some Colombian citizens see the agreement as a possibility for stable peace, while others are weary because they do not believe that there will be fair reparations for the victims of more than 50 years of armed conflict, as well as exemplary criminal sanctions for some guerrillas who committed a variety of crimes during this 50-year period.

However, this cessation of conflict has allowed the country to have slight but steady economic growth over the course of the past five years, which has positioned it as a solid democracy and economy in the region, despite the fact that a peace process is pending with another guerrilla group, the National Liberation Army (*Ejército de Liberación Nacional* – ELN).⁵ The country is also attempting to control far-right and criminal groups that are attempting to resume the felonious activities such as drug trafficking or illegal mining formerly carried out by some FARC members.⁶

And it is precisely this reintegration of former guerrillas into civil society that presents one of the greatest challenges of Colombian society today. This is because this reintegration should not only facilitate former FARC members’ entry into the country’s politics and economy – both online and offline – but it also needs to ensure their physical safety. As a matter of fact, the lack of open, diverse and secure participation in the public sphere was one of the reasons that started the internal conflict in the country in the first place.

At the regional level, Colombia is one of the countries where the internet has developed rapidly, not only in terms of penetration and infrastructure, but also in terms of appropriation by civil society in general. This development has been leveraged in part by the Colombian government, which promotes the internet as a tool to make its governance more transparent and efficient through programmes such as the Connectivity Agenda. This rapid development has also been possible because of the private sector’s active participation in the roll-out

1 This report is based on the document *Mesa Colombiana de Gobernanza de Internet* which was produced by the members of the Bureau and publicly presented at the global Internet Governance Forum in Guadalajara, Mexico, in 2016.

2 www.gobernanzadeinternet.co

3 <https://www.intgovforum.org/multilingual/content/nris-toolkit>

4 Barajas, A. (2017, 31 August). Colombia’s FARC unveils new political party. *CNN*. www.cnn.com/2017/08/31/americas/colombia-farc-new-political-party/index.html

5 Arboleda, L. (2017, 7 February). Los procesos de paz con el Eln. *El Espectador*. <https://colombia2020.elespectador.com/politica/los-procesos-de-paz-con-el-eln>

6 Cosoy, N. (2017, 20 July). Los grupos armados que están ocupando los territorios abandonados por las FARC en Colombia. *BBC*. www.bbc.com/mundo/noticias-america-latina-40646855

of infrastructure since the early 1990s and due to the role of universities through networks such as Interred.

Thanks to the proactive and consistent activity of diverse stakeholders using the internet, there is no significant imbalance in ability to participate in decision-making spaces. However, sometimes the level of participation is different. For example, there have yet to be effective and inclusive discussions about the future of the internet and some sensitive issues in the country, such as an adequate balance between privacy and national security.

Setting up the Bureau

In 2013, after an informal meeting of the Colombian participants at the Latin American and Caribbean regional IGF (LACIGF) in Córdoba, Argentina,⁷ the Colombian Internet Governance Bureau was established. The Bureau is a local space without a formal structure and is open to multiple stakeholders. It is intended for discussing general topics associated with the concept of internet governance in Colombia. These topics include, for example, the internet and its contribution to human development; the internet and its contribution to income redistribution and poverty reduction; internet development and associated industries; and internet security.

In 2017, the participants in the Bureau drafted a Declaration⁸ which defines the Bureau's areas of interest, its target audience, forms of participation, and the nature of the agreements reached by the participants – they are non-binding, and are an expression of the opinions of participants at a given moment on a particular topic.

Since the creation of the Bureau, 22 bi-monthly meetings have been held where topics ranging from connectivity initiatives, growing zero-rating offerings, and other concerns regarding the regulation of the internet, including security, privacy, data retention, taxes, copyright infringement, IPv6 and fake news, have been discussed. Through the Commission for Communications Regulation and the Ministry of Information and Communications Technology (ICT), the government has submitted different public policy drafts to the Bureau for feedback. During this time, a healthy environment of respectful debate between the multiple stakeholders has been maintained.

How to participate

The Bureau includes participants from universities and research centres, civil society, the government

and the private sector.⁹ The Bureau has created an outline for engagement based on the following concepts:

- It is understood that by participating in the Bureau, participants seek to identify topics, actions or proposals with a focus on Colombian communities and the country's citizens.
- The Bureau is open to all persons and organisations that wish to participate in a dialogue about the issues outlined in the Declaration.¹⁰
- Participation in the Bureau is voluntary.
- A hierarchical order is not defined between members.
- The Bureau does not seek to reach consensus on different topics, but is a space for dialogue where the different opinions of its members can be acknowledged.
- The Bureau's discussions are not binding and carry no legal obligation, but are an expression of the participants' opinions on a particular topic at a given moment.
- It is the responsibility of the Bureau's different participants to search for new members from different stakeholder groups who will contribute to the diversification of viewpoints in discussions of these topics. This includes the government, businesses, civil society, universities and the technical community, among others.

The Bureau has set up a website, a Twitter account (@fgicolombia with 113 followers) and a discussion list¹¹ that, at the time of this report, had 172 registered members. The website has a documentation centre which shares news about regional and international governance and information about events. The website also publishes the minutes of all its meetings and annual forums, which are accessible to any visitor to the website.¹²

Raising awareness of internet governance in the country

In addition to these permanent resources, the Colombian Bureau of Internet Governance also hosts events, such as Vint Cerf's 2015 lecture at the Universidad del Rosario, where the results of the global IGF in Joao Pessoa, Brazil in 2015 were discussed. The Bureau also runs training workshops for government entities, such as the one conducted for the employees of the Superintendency of

7 27 to 29 August 2013.

8 <https://gubernanzadeinternet.co/es/declaracion>

9 <https://gubernanzadeinternet.co/es/actores>

10 <https://www.gubernanzadeinternet.co/es/declaracion>

11 listas.colnodo.apc.org/mailman/listinfo/fgicolombia

12 <https://gubernanzadeinternet.co/es/actas>

Industry and Commerce in 2017, with the objective of expanding government participation in the Bureau.

However, it has been found that national IGFs are the most effective way to disseminate information regarding internet governance in the country. Up until August 2017, three Colombia IGFs have been held:

- During the forum's first year in 2014, the participants' experiences and perspectives were presented.¹³ These included recounting Colombia's participation in the global IGF 2014 in Turkey; presentations on freedom of expression, privacy and violence against women in digital spaces; and discussions on cybersecurity, access to information, net neutrality, copyright, and the international and governance strategy of the Commission for Communications Regulation. GISWatch country reports for the period 2007-2014 were also presented.
- During the forum's second year in 2015, net neutrality, digital culture, cybersecurity and internet development¹⁴ were discussed.
- During the forum's third year¹⁵ in 2016, internet governance and its promotion in the region was addressed. There were also discussions regarding the digital ecosystem, with an emphasis on the gap between rural and urban accessibility, in an effort to incorporate more diverse voices into the decision-making process. Other topics addressed included "smart cities", the environmental impact of technology, and gender equality.

This third forum was a success in terms of remote participation and social networking, which shows an evolution of the Bureau's impact and influence.

The fourth national forum is planned for October 2017.¹⁶ The main themes that will be discussed in this forum include the multistakeholder model for internet governance, infrastructure, fake news, environmental and digital security and, as something new, a workshop on internet governance especially designed for those who will attend the

forum for the first time. Scholarships will also be provided to facilitate the attendance of Colombians who are located outside of Bogotá.

Since the Bureau does not have its own resources for its operations, all the participants will help in terms of event management and securing of resources. Donations from third parties will also be sought. It is important to mention the financial contributions made since 2015 by the United Nations Internet Governance Forum Support Association (IGFSA)¹⁷ in support of the national forums.

Currently, the Bureau has an action plan for organising the forum, responsibilities and schedules have been assigned, and priority activities are being implemented. Besides the work that goes into organising such an event, this action plan seeks to strengthen the Bureau's communications strategy, help different regions of the country participate in internet governance discussions generally, and train stakeholders on internet governance issues.

One of the central goals of the Bureau has been the search for strategies to involve new participants in internet governance discussions and introduce internet governance topics to a wider audience. As part of this process, two documents are being developed: the first one concerns the participation of the youth in internet governance and how the Colombian Bureau of Internet Governance has promoted and supported the inclusion of young people in the discussions¹⁸ The second document seeks to serve as a model for presenting the Bureau's work at events in regions and cities other than the country's capital, Bogotá.¹⁹ This is necessary because there are stakeholders that do not regularly participate in the Bureau's bi-monthly meetings, such as universities and civil society organisations based in other regions, indigenous communities, peasants, journalists and human rights defenders.

With respect to other issues such as gender equality, the Bureau makes an effort to ensure that the panels in the national forums have an adequate gender balance. For example, for the October forum, the panel on infrastructure has two women on a five-person panel; one woman will join two men on a panel on ICTs and the environment; three women are to join a six-person panel on digital security; and half of the members of the panel on fake news will be women as well.

13 Agenda of the 1st Colombia IGF: colnodo.apc.org/destacamos.shtml?apc=-l-xx-1-&x=5682

14 Agenda of the 2nd Colombia IGF: https://gobernanzadeinternet.co/apc-aa-files/1coec76a20bd91fdc9938d30b87da6co/memorias_2do_foro_gi_colombia.pdf

15 Agenda of the 3rd Colombia IGF: <https://gobernanzadeinternet.co/evento2016/documentos/relatoria-3er-foro-colombiano-gobernanza-internet-2016.pdf>

16 The 4th Colombia IGF was held at Universidad del Rosario on 4 October 2017, with a workshop aimed at the general public held the day before. With an attendance of approximately 140 people in the room and around 500 online, four panels were held on the following subjects: infrastructure; ICT and environment; digital security; and fake news.

17 www.igfssa.org

18 Caballero, J. (2017, 19 August). Youth IGF Initiatives and other Youth-focused formations. <https://docs.google.com/document/d/19GEMsXCG-XFRc55HX8MmMwTbzaWbdeIYSKICpskGWQo/edit>

19 Trochez, M. (2017, 10 September). Presentation of the Colombian Internet Governance Bureau in the regions.

Regional reflection

Members of the Colombian Bureau have regularly participated in the regional IGF. As mentioned above, the idea of the Bureau itself was first discussed at the (LACIGF) in Córdoba, Argentina in 2013. Since then the Bureau has participated in the LACIGFs that took place in San Salvador (2014), Mexico City (2015), San José (2016) and Panama City (2017). Members of the Bureau have participated either as panel members or panel leaders on issues such as gender and ICTs, net neutrality and digital rights.

These meetings have made it possible not only to share current data and research on internet governance with members of the Bureau in Colombia, but also to discuss Colombia's current situation with others attending the regional meetings.

Conclusions

Although the Colombian Bureau of Internet Governance is a unique example of a space for internet governance deliberation, it follows the general guidelines proposed by the IGF. For example, the multistakeholder model has been used since its inception. This model is used partly because its individual and organisational members have participated in the global IGF and have seen its benefits.

This Bureau's model has not only allowed transparency and openness to new participants, but also has allowed issues that shape the evolution and use of the internet in the country to be more comprehensively addressed than they were in the past.

However, more efforts are needed to expand the coverage and diversity of these conversations. In particular, the Bureau does not have a permanent presence in the regions where it is most

strongly needed to encourage citizen participation in decision-making processes related to the use of the internet.

Action steps

The Colombian Bureau of Internet Governance should become a reference point in discussions regarding issues related to internet governance throughout Colombia. The following actions steps are suggested to strengthen the presence of the Bureau in the country:

- Develop training spaces for young people and beginners to internet governance.
- Take the Bureau to different regions where it currently has no presence. At the same time, facilitate the participation of regional representatives during the national forum.
- Expand and maintain remote participation in events.
- All members of the Bureau should be on the lookout for new participants, especially young people and small and medium-sized enterprises. To attract new members, the Bureau should identify innovative ways to address the benefits of participating in the internet governance environment.
- Maintain independence and plurality of interests, promoting the importance and validity of the multistakeholder model, its benefits and limitations. The role of civil society is important in achieving this, including promoting it at regional and international forums.
- Ensure that the results of the discussions held at the national level are shared at regional and international IGFs.

CONGO, DEMOCRATIC REPUBLIC OF

BABY STEPS: CHALLENGES WITH MULTISTAKEHOLDERISM IN THE DRC



Si Jeunesse Savait (SJS)

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Introduction

In 2013, the Democratic Republic of Congo (DRC) hosted the Central Africa Internet Governance Forum (IGF). Although 40 delegates attended the event, the only country other than the DRC represented was Cameroon, and it by only two civil society delegates. Alongside them were around 30 Congolese participants and a handful of representatives from international NGOs and agencies, including the Association for Progressive Communications (APC), the World Wide Web Foundation¹ and the United Nations Development Programme (UNDP). Moreover, no delegates from the provinces in the DRC were able to attend.

The meeting started two hours late. The owner of the hall refused to let people in as the organisers had not finalised the contract to rent the hall for the two full days of the forum. The doors were only opened when the hall manager received a guarantee that the fee would be paid eventually.

This says a lot about the struggle of convening a national IGF in the DRC, as well as the difficulties that countries in the region have in securing both national and sub-regional attention on information and communications technology (ICT) issues. More alarming is Cameroon's low attendance and difficulties in fundraising for participation, given that it had held the sub-regional IGF the previous year.

The DRC is a huge country sharing a border with nine different countries (Uganda, Rwanda, Burundi, Tanzania, the Republic of Congo, the Central African Republic, Angola, Zambia and South Sudan) and with a land mass equaling the size of all Western Europe combined. With a population estimated at 80 million, it is the third most populous country in Africa. The DRC is one of the poorest countries in the world, with a gross domestic product (GDP) per capita of USD 475 in 2014, and with 64% of the population living below the national poverty line in 2012. Social and political unrest have also affected the country in recent years.

Nevertheless, the country is said to be a vast lucrative market for ICTs. The liberalisation of the ICT sector to open it up to private partners in the framework of the economic reforms initiated by the country's authorities enabled it to rank among the growth sectors of the Congolese economy.² Given this growth in the sector, one would think that internet governance was a national, if not regional priority.

This report explores some of the challenges in organising a national IGF in the DRC based on the principles of multistakeholderism.

Labour pains: Convening a national IGF

The idea of convening national stakeholders around ICT issues in the DRC started almost a year after the IGF was formally announced by the United Nations Secretary General in July 2006. In 2007, at the first national civil society forum, an annual event convening all social movements, including universities, churches as well as all non-political initiatives, some of the actors who were already taking part in the World Summit on the Information Society (WSIS) process felt they needed to strategise to make ICTs a cross-cutting issue to be discussed by civil society as well as the government in this country. The UNDP, which funds several initiatives to make sure that civil society has a voice in all governance issues, agreed to start preparatory discussions with different stakeholders, including academia and the media. A few civil society coalitions³ were founded, but they did not last long, and the government still had not been persuaded to place internet governance on its agenda.

Despite raising the possibility of a national IGF early on, stakeholders struggled with the idea of multistakeholderism, and the kind of commitment it required from each one. This was, however, one of the key principles of the IGF. The Ministry of Post, Telecommunications and ICTs did not fully understand the process. "This combined with the several changes in administration we witnessed at the ministry, and, on the other hand, civil society being willing to organise, but in its own spaces to avoid being crushed by the government, didn't help

1 <https://webfoundation.org>

2 www.generaff.com/newsite/en/index.php/ct-menu-item-13/ct-menu-item-14/ct-menu-item-72

3 Such as REPROTIC.

much,” says Baudouin Schombe, an internet activist and national IGF convenor who has followed the process since its beginning.

Illustrating these difficulties was the fact that internet activists, the private sector and the Ministry of Post, Telecommunications and ICTs were only able to organise the country’s first annual National ICT Day⁴ to celebrate World Telecommunication and Information Society Day⁵ two years after it was declared in 2006.

It is in this context that – following the example of Cameroon hosting the first Central Africa IGF – the DRC decided to host the second sub-regional forum in Kinshasa from 28 to 30 August 2013. However, this happened with almost no support from the different stakeholders, and it would not have happened if it were not for two international organisations – APC and the World Wide Web Foundation – who decided to sponsor the participation of the Cameroon participants and their own representatives.

2016: From crawling to standing

In 2016, with a new change at the Ministry of Post, Telecommunications and ICTs, and many initiatives at the government level to reform the ICT sector, around 10 stakeholders, mostly drawn from civil society, decided to meet regularly and become the multistakeholder advisory group (MAG) for a national IGF.⁶ Soon after this, some delegates from the private sector were able to join and helped to draft an action plan. To show its political will, the Ministry proposed to draft a ministerial order to make the IGF advisory group official, and include it in the national budget.

Multistakeholderism: A concept that varies according to actors

When asked what multistakeholderism means and how it plays itself out in the process of organising the national IGF in the DRC, the stakeholders interviewed for this report gave different responses.

For Patience Luyeye, a member of Si Jeunesse Savait, a women-led organisation taking part in the MAG, there is an even power balance in the group: “The fact is that the government, civil society and private sector are taking part equally in the discussions.” However, for Schombe, while everyone has a role to play, the final word remains with the government, a perspective that is held by most of the

stakeholders I spoke to. This power is reflected in the institutional arrangement of the MAG: the Ministry hosts the MAG and the budget is determined by the government, even though others can contribute to it.

Funding of the IGF process has been a very difficult question from the start. Although civil society has made in-kind donations (skills to build event websites, providing office furniture, helping with local transport, etc.) and the private sector has put aside small amounts of funding for preparatory meetings, the bulk of funding is expected from the government. While there are often delays in receiving the funds from the government on time, the funds are also not enough to support the participation of delegates from outside of Kinshasa in the organisation of the national IGF, to meaningfully involve stakeholders in the development of ICT policy, nor to support delegates from the DRC in sub-regional and regional IGF meetings.

Contributions to the sub-regional and regional IGFs

The first sub-regional IGF was held in 2012 in Douala, Cameroon thanks to the funding of the government of Cameroon. With the participation of delegates from the Republic of Congo, the DRC, Chad and Cameroon, most of them remotely, this sub-regional forum suffered from a similar fate that befalls the national forums. The sub-regional IGF still does not have a secretariat, still expects funding from governments, does not meaningfully include the private sector beyond accepting financial contributions for events, and civil society is not taken seriously as a stakeholder by the government. According to Avis Momeni, general secretary of PROTEGE QV,⁷ a Cameroonian organisation that promotes the use of technologies to support the environment and quality of life, and a delegate to the Central Africa IGFs held in the DRC and Cameroon: “Getting the governments to recognise civil society at the national level as a respectful, responsible and necessary partner as well as getting the same governments as a stakeholder to understand and make use of the multistakeholder approach to promote better internet governance at national, sub-regional and regional level is an issue. To that you can add the lack of financial means to support the process.”

According to Momeni, “the sub-regional process, in my view, is not fully ‘multistakeholdered’

4 www.mediacongo.net/article-actualite-2421.html

5 The UN General Assembly adopted a resolution in March 2006 stipulating that World Information Society Day shall be celebrated every year on 17 May. See: www.itu.int/en/wtisid/Pages/about.aspx

6 The MAG includes the Ministry, representatives of women’s organisations, young people, universities and the media.

7 <https://www.protegeqv.org>

because very often it is the governmental institutions that fund the organisation of the sub-regional IGF and set the agendas. Because of this, inclusiveness or multistakeholderism in its preparatory phase is a failure – political interest prevails over a collegial view and also undermines the alignment with the regional or the global IGF in terms of a multistakeholder approach.”

Tidjiani Mahamat Adoum, an internet activist from Chad who is also taking part in the convening of the Central Africa IGF, thinks the same: “The IGF process both in the DRC as well as in the Central Africa region is not inclusive enough. Until today we have not yet organised a sub-regional IGF where all the relevant actors have actually taken part and all agree on the organisational processes. The DRC does not participate institutionally; there are individual volunteers whom I salute who have the courage and bravery and who are making progress.”

The weaknesses observed above can make one feel that the internet governance discussion is taking a wrong turn in the DRC. There is a need to stop organising the IGF just for the sake of organising the IGF, and to come up with a new strategy or set of principles to make sure the multistakeholder approach is fully understood. A fundraising plan needs

to be developed that is in line with this approach, supporting the growth and meaningful participation of all stakeholders at different levels, not just those who can afford to attend the meetings.

Action steps

The following action steps can be suggested for the DRC:

- Organise a session on the multistakeholder approach so that DRC actors and their sub-regional counterparts can learn from it.
- Support the organisation of ICT stakeholders at the national level to reduce dependency on government funds.
- Allow full participation of stakeholders in the MAG, including those from the provinces working on internet governance issues.
- Align the national and sub-regional internet governance agendas with the global agenda to contribute to a common perspective despite the different national contexts.
- Support the participation of DRC delegates in the regional and global IGFs as a way of building capacity.

CONGO, REPUBLIC OF

THE CHALLENGES OF INTERNET GOVERNANCE IN THE REPUBLIC OF CONGO



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Introduction

The Internet Governance Forum (IGF) set up by the Tunis Agenda for the Information Society¹ is a forum in which various actors meet and discuss issues related to the evolution of the internet internationally, regionally and at the national level. Because of the interests involved, it is in fact necessary for all stakeholders to participate in the forum. Despite its importance, it is often confronted with several challenges, including the low participation of stakeholders due to difficulties in accessing funding, and, at the local level, the lack of national expertise on the issues. There has not been a national IGF in the Republic of Congo since 2010, when a once-off event was held, although the government has been represented in various sub-regional forums in Central Africa and hosted the event this year in Brazzaville.

This report considers the key challenges that internet governance faces in the Republic of Congo.

Political and economic context of the country

The Republic of Congo has about 4.8 million inhabitants. Its population is young, with more than 50% of the inhabitants less than 20 years old. The level of education is relatively high, and the literacy rate at 83% is among the highest in Africa. The Congo is highly urbanised: more than 60% of the population lives in cities, two of which alone comprise 55% of the population of the country (Brazzaville with approximately 900,000 inhabitants and Pointe Noire with approximately 600,000 inhabitants).

The Congolese economy² is very diversified, although focused mainly on the oil industry, which accounts for about 60% of gross domestic product (GDP). While the political situation in the Congo is more or less stable, despite the crisis in the Pool

region,³ economic growth in the country has slowed markedly since 2015 to become negative in 2016. This is due to the effect of the fall in the price of a barrel of oil since mid-2014. Such a situation affects all sectors of activity in the country, including funding a national IGF.

The Congolese internet governance context

The national internet governance context is still marked by a certain imbalance of power between the various actors: the government, the private sector, civil society and regional or sub-regional institutions. This does not facilitate the participation of all stakeholders in the development of public internet policies, and also reflects the failure to take into account the interests of specific groups such as women, children, youth and indigenous peoples.

A lack of awareness and shocking apathy among the youth

The importance of internet governance has not yet been realised by the Congolese. This is as true at the level of public institutions as it is in civil society organisations. For example, officials in the Ministry of Posts and Telecommunications have acknowledged to us that they do not have enough information on internet governance. As a result, even when it comes to identifying stakeholders for the organisation of a national IGF, it is difficult to determine who should take the lead on the issue. This lack of knowledge of internet governance issues partly explains the irregularity of the national IGFs in the country.

Unlike some African countries which have set up an organisation to serve as an organising committee, there is no similar structure in the Congo.

Despite the existence of a national chapter of the Internet Society (ISOC) in the Congo, there is a crisis of leadership to the point where the organisations that were motivated in the past to deal with internet governance issues are no longer interested. This is acknowledged by Davy Silou, a member of the ISOC chapter who contributed to organising the first IGF in the Congo. The lack of motivation is due to the fact that there is no transparency in managing funds, few training opportunities, and a lack of leadership.

1 <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

2 www.tresor.economie.gouv.fr

3 <http://www.crisisgroup.org/africa/central-africa/republic-congo>

A recent survey of young people in the Congo⁴ – which included government officials – revealed that 90% of respondents do not have any knowledge of internet governance. Many believe that it is up to the state alone to decide on the future of the internet, giving the example of the government’s decision to cut the internet during the presidential elections in 2016.⁵ For them, the government should decide everything.

For some, such as Darcia Kandza, a member of AZUR Development, this is a crisis. She stresses: “If a large number of young people do not master the stakes of internet governance and the opportunities that the internet is likely to offer them, it will not be of much use to them.” This lack of involvement, she added, “will not contribute to the development of the digital economy in our country.”⁶

Low stakeholder involvement in internet governance issues

The vision of the IGF is to engage all stakeholders in discussions on internet governance. However, in the Republic of Congo, the government does not really involve other stakeholders in the formulation of internet policy. According to Luc Missidimbazi, a member of the PRATIC Association,⁷ the stakeholders in the governance of the internet in the Congo are “the government, the regulator, operators and some civil society.” At the same time, the balance between the parties is not respected. “Only the Ministry of Posts and Telecommunications gets to act,” he argues.

As far as civil society is concerned, there is little commitment to internet governance issues. According to Silou, civil society is not organised enough to be a force capable of contributing effectively to the development of public policies on the internet. In order for the government to be able to involve civil society, it must first be visible, for example, by organising internet governance activities and by beginning to formulate coherent positions on internet governance.

One consequence of the lack of participation by civil society in internet governance is that vulnerable groups such as women, indigenous peoples and people with disabilities are not taken into account by internet public policies. For example, indigenous peoples, who for the most part live in rural areas,

do not have public policies aimed at helping them benefit from the internet.

Although gender equality should be seen as a fundamental principle in the governance of the internet, very few women are involved in internet policy meetings in the Congo. By way of illustration, at the Central Africa IGF (CA-IGF) in April 2017, only one woman, Anja Gengo, gave a presentation; and only one woman, Darcia Kandza, is in the CA-IGF multistakeholder consultation group.⁸

Regional reflection

The Republic of Congo no longer organises a national IGF following its 2010 event, but has participated in the various sub-regional forums on internet governance, hosting this year’s Central Africa forum in Brazzaville in April. The fact that national IGFs are no longer being organised is a sign that participation in sub-regional forums has not had a major impact at the national level; perhaps because of a lack of interest on the part of different actors. Hopefully, this may change. Indeed, the recommendations put forward at the CA-IGF held in Brazzaville may lead us to believe that there will be changes. Among the recommendations were to increase internet governance capacity for users in the sub-region; to ensure that all stakeholders are well prepared for better contributions and interactions at the IGF; and to strengthen multistakeholder dialogue models for national IGFs.⁹

The Republic of Congo has been designated as an internet exchange point for Central Africa and will have to make an effort to move the internet governance discussion forward. This is probably why the government plans to set up infrastructure for a data centre. But Congo needs to do more to gain the maximum benefit from participating in sub-regional, regional and international forums on internet governance. This includes establishing an organising committee for a national IGF, and organising national forums regularly with the participation of all stakeholders.

Conclusion

In a context where the information society is characterised by increasingly complex issues, IGFs play an important role in bringing together diverse actors to discuss these issues. While some countries are already well on their way to achieving the dynamic of multistakeholder engagement, others still have a long way to go. This is the case in the Republic of

4 Conducted by the author in March 2017.

5 Konviser, B. (2016, 19 March). Congo orders telecom providers to shut down services for election day. *Deutsche Welle*. www.dw.com/en/congo-orders-telecom-providers-to-shut-down-services-for-election-day/a-19129396

6 Interviewed by the author.

7 osiane2017.cg

8 Report of the Central Africa Internet Governance Forum (CA-IGF) 2017.

9 Ibid.

Congo, where the government lacks the will to solicit input from all actors to discuss internet policy issues, and there is a lack of commitment from civil society which means that it is not being heard. The result is a lack of internet policies that benefit the population in general and young people in particular.

Action steps

To help change things, the following recommendations are proposed:

Government

- Institutionalise the IGF by setting up processes that ensure it can be held each year, and that all relevant stakeholders participate. This includes setting up an organising committee that can push the IGF agenda forward.
- Establish a national advisory committee on internet governance, which includes public, civil society and private sector actors, to promote research and development on internet governance.
- Adopt internet policies that take into account the specificities of certain vulnerable groups such as young people, women, indigenous peoples and people with disabilities.

- Establish capacity-building programmes on internet governance issues for all stakeholders.

Civil society

- Raise awareness among marginalised or vulnerable groups such as women, indigenous peoples and people with disabilities on the challenges of internet governance in order to encourage their participation and involvement in the IGF.
- Participate in Internet Corporation for Assigned Names and Numbers (ICANN),¹⁰ Internet Society (ISOC)¹¹ and other internet governance training programmes to become better informed and equipped to participate in internet governance debates.
- Sensitise decision makers in institutions and companies on the social, legal, economic, political and diplomatic stakes of internet governance to increase their involvement.

Regional and international bodies and institutions

- Contribute to building the capacity of national internet governance actors.
- Fund civil society campaigns that raise awareness about internet governance generally.

¹⁰ <https://www.icann.org>

¹¹ <https://www.internetsociety.org>

COSTA RICA

THE INTERNET GOVERNANCE EXPERIENCE IN COSTA RICA



Sulá Batsú

Kemly Camacho

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Introduction

Costa Rica has been actively engaged in regional and global Internet Governance Forums (IGFs), and in 2017 the country held its first national IGF. In general, government and civil society representatives have been active participants and leaders in the forums, but the participation of the private and academic sectors has been rather limited. The fact that the 9th Latin America and Caribbean Internet Governance Forum, officially known as the Latin American and Caribbean Regional Preparatory Meeting for the Internet Governance Forum (LACIGF),¹ was organised in the country in 2016 also contributed to creating a good environment for discussing internet governance at the national level. This report considers some good practices in internet governance in the country, and challenges that lie ahead.

A good example of a multistakeholder approach to internet governance

Costa Rica can be held up as an example of good practice when it comes to a multistakeholder approach to internet governance. In October 2012, a national Internet Governance Council (Consejo Consultivo de Internet – CCI)² was formed, convened by NIC Costa Rica, which manages domains in the country.³

Participants included representatives of the different sectors that usually contribute to formulating internet development strategies in Costa Rica, and help define Costa Rica's political position at international internet governance events like the global IGF.

The CCI is made up of institutions from academia, civil society, the public sector and the telecommunications and business sectors. Any participating institution is invited to join by NIC Costa Rica and the CCI itself.

Building on the CCI's agreements, Costa Rica has supported the multistakeholder approach to internet governance in various international forums and has promoted a free and open internet that guarantees privacy and security for all its users. The country has also been a strong player in defending the neutrality of the internet. In recent years, Costa Rica has organised three important activities related to internet governance: the 7th South School on Internet Governance, which took place in the country in 2015, followed by the 9th LACIGF in 2016, and the first national IGF in 2017. However, these three events were organised by different groups, which resulted in a dispersal of energy in promoting internet governance in Costa Rica.

Examples of good practice in internet governance

Costa Rica does not yet have a national government institution responsible for the development of the digital society, nor a digital policy that frames the strategic development areas in this sector.

Objectives of the Internet Governance Council

1. Participate in discussions around the development of the internet and the top-level domain .cr.
2. Issue recommendations to the National Academy of Science in its role as manager of the top-level domain .cr.
3. Encourage discussions around internet development in Costa Rica in order to contribute to the country's development and improve the quality of life of Costa Ricans.

Source: <https://www.nic.cr/consejo-consultivo>

¹ <https://archive.lacigf.org/sp/lacigf9/index.html>

² <https://www.nic.cr/consejo-consultivo>

³ <https://www.nic.cr>

Discussions on internet governance are still very limited to a small group of institutions and actors.

However, the country demonstrates a number of good practices when it comes to some of the issues discussed at IGFs:

- Costa Rica has defined the internet as a human right for its people.⁴
- The Ombudsman's Office is active in the field of digital development and in the defence of digital rights.
- There is a Personal Data Protection Programme⁵ in the country which has a framework for action and which is getting stronger.
- A Cybersecurity National Strategy⁶ is being developed with a multistakeholder approach. It is still rather focused on the protection of minors, which is an important issue but not the only one in this discussion.
- The Vice Ministry of Telecommunications is promoting broadband nationally, with the intention of achieving total coverage in the country.
- As media ownership is concentrated in the hands of a few, social networks have played an important role in public life and freedom of expression.
- There are citizen initiatives aimed at positioning and educating people on issues related to internet governance.⁷

Nevertheless, Costa Rica also continues to face a number of challenges in relation to the internet, such as spectrum concentration, for example. It is also true that connectivity options and speeds are still very different between the urban and the coastal and border areas. The digital divide in this country is still conspicuous, despite the digital solidarity fund FONATEL⁸ implementing initiatives like Hogares Conectados (Connected Households).⁹

One issue that has been impossible to place on the agenda of the LACIGF is the relationship between the consumer society and digital society. This is a crucial issue for countries like Costa Rica, where the level of individual credit card debt is extremely

high. IGFs attach great importance to surveillance of activists and journalists, which is very important. However, the use of internet surveillance to stimulate consumption and its impact on citizens are not being discussed. Sulá Batsú would like to suggest the discussion of these thematic areas of internet governance, as they affect human rights massively.

The importance of organising the 9th LACIGF in Costa Rica

Sulá Batsú was involved in the organisation of the 9th LACIGF in San José. We have learned some lessons about the effects that a regional forum has at the local level.

First of all, national actors working on internet governance issues who are generally not connected or do not know each other were able to gather together in one space. This is due to the multistakeholder character of IGFs, which enables the meeting of sectors that do not usually work together.

This helped to encourage multistakeholder internet-related work in different spaces after the LACIGF. In our specific case, as a cooperative, we organised the Mobile Technologies, Innovation and Development international conference,¹⁰ as well as the First Central America Female Hackathon¹¹ using the multistakeholder model and involving some of the institutions which organised the LACIGF with us. In both events, there was a high level of engagement and excellent contributions from the multiple stakeholders that have been key to guaranteeing their success.

The Latin American regional meeting in Costa Rica also had an impact on the organisation of the first national IGF¹² in this country, led by the CCI and NIC Costa Rica. Three topics of national interest were discussed, namely legislation in the case of cyber attacks, the relationship between privacy and access, and the broadband situation. This first national event was half-a-day long and showed low participation. Hopefully it will become an annual activity that will arouse public interest.

The inclusion of women and rural populations in the discussion of internet governance

Although there was an attempt to create a gender balance on the panels in the LACIGF held in Costa Rica so that women and men could present their ideas on equal terms, it is still not enough to ensure women's participation in internet governance discussions. For

4 Declaratoria de la Sala Constitucional en la sentencia N°10627, 18 June 2010.

5 www.prohab.go.cr

6 https://micit.go.cr/index.php?option=com_content&view=article&id=9964:estrategia-nacional-de-ciberseguridad-en-su-ultima-etapa-de-construccion-2&catid=40&Itemid=630

7 For example, the Cybersecurity Nights (Noches de Ciberseguridad) programme on Radio Actual with Roberto Lemaitre. <https://www.youtube.com/watch?v=I8wOF6DbfXA>

8 www.sutel.go.cr/fonatel

9 www.sutel.go.cr/fonatel/hogaresconectados

10 <https://www.sulabatsu.com/coloquiomoviles>

11 www.hackaton.sulabatsu.com

12 <https://www.nic.cr/ver-noticia/61/se-parte-del-primer-dialogo-nacional-de-gobernanza-de-internet>

example, a proposal to hold a panel discussion on internet governance from a gender perspective at the national IGF in Costa Rica was rejected. We believe that it is a necessary condition for building a free, open and inclusive network. Discussing internet governance from a gender perspective implies alternative proposals to the way in which the internet is managed, governed, used and developed.

Although there was balanced participation of men and women at the 9th LACIGF, more young women needed to be included. For that purpose, scholarships were awarded to young women in the digital sector and an alliance with universities and computer science and related courses was used to support them. We believe it is important that there is a strong group of young women interested in internet governance and building momentum around those issues.

Another aspect addressed by Sulá Batsú at the 9th LACIGF was the participation of rural populations. The discussion of internet governance topics remains concentrated in urban areas and is managed by a few actors that are already working on the subject. It is urgent, from our perspective, to broaden the discussion and work with other sectors (health, education, housing, transportation, etc.) and with other populations, especially rural, indigenous and Afro-Caribbean communities, migrants and people with disabilities. In the case of the LACIGF in Costa Rica, an effort was made to grant scholarships to young people from rural areas in the country with the aim of including them in the discussions. It is important to understand that internet

governance is a human rights issue, and therefore the rights of marginalised groups are being affected by policy decisions.

Conclusion and action steps

IGFs in Latin America are playing a very important role in helping to understand internet governance from a human rights and digital rights perspective. Hosting the South School on Internet Governance, the LACIGF and the first national IGF in Costa Rica has been very important in strengthening the multistakeholder approach to the topic. This country has also been a good example of how agreements can be reached on certain issues with a multistakeholder approach.

However, several steps are necessary to strengthen the internet governance discussion in Costa Rica:

- Building on the Costa Rican experience so far, it is necessary to progress in internet governance discussions and integrate new issues that affect the entire population, such as the issue of consumption in the context of the digital society.
- It is necessary to encourage other actors to join the discussion, such as women, rural communities, and the indigenous population, as well as other sectors, such as health and education.
- There is a need for more coordination and interaction between actors working in internet governance in the country, because fragmented efforts disperse the energy behind pushing for change.
- There is a need for more public education initiatives on internet governance and human rights.



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Introduction

National and Regional Internet Governance Forum (IGF) Initiatives (NRIs) are independent formations focused on issues related to internet governance from the perspective of their respective communities, while acting in accordance with the main principles of the global IGF. Yet implementing these principles at the national level can be especially difficult in countries with little experience in internet governance processes.¹

National IGF initiatives are expected to follow the principles and practices of being open, inclusive and non-commercial. They work in accordance with the bottom-up consensus process of the IGF and need to have multistakeholder participation.² Yet how difficult is this in a country like Ecuador, where so many policies get decided behind closed doors?

This report considers the IGF in Ecuador, and the country's participation in the regional forum.

Policy and political background

The Ecuadorian constitution (2010) guarantees universal access to information and communications technologies (ICTs) and an inclusive and participatory framework for policy development.³ However, in developing the regulatory framework for the internet, lawmakers have often disregarded civil society, academia and even the private sector. Law reforms such as the telecommunications law (2015)⁴ and a law on the social knowledge economy (also passed in 2015),⁵ were drafted without multistakeholder

input, particularly with the absence of civil society organisations. Reflecting an uneven approach, the private sector, with the representation of major transnational companies, had a crucial influence on some of the laws that protected intermediaries, such as the large transnational telecommunication corporations.

The Ecuadorian communications law⁶ has been criticised by the United Nations and others and has been called a setback for freedom of expression and association.⁷ In this context of censorship, most media outlets and citizens have turned to the internet as a channel for free expression. The need for transparency and accountability in this respect has been foregrounded as an issue, especially following high-profile scandals regarding the national elections and government surveillance.⁸ Issues of transparency still seem to affect institutional design and hamper negotiations with government officials. For example, when it comes to developing infrastructure such as the Pacific Caribbean Cable System, or last-mile technology, the government as a main stakeholder has acted with ambivalence,

1 Hill, R. (2014). Internet Governance: The Last Gasp of Colonialism, or Imperialism by Other Means? In R. Radu, J.-M. Chenou, & R. H. Weber (Eds.), *The Evolution of Global Internet Governance: Principles and Policies in the Making*. Berlin: Springer Berlin

2 <https://www.intgovforum.org/multilingual/content/igf-regional-and-national-initiatives>

3 www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf

4 <https://www.telecomunicaciones.gob.ec/wp-content/uploads/downloads/2016/05/Ley-Org%C3%A1nica-de-Telecomunicaciones.pdf>

5 www.wipo.int/edocs/lexdocs/laws/es/ec/ec075es.pdf

6 APC. (2013, 26 June). Ecuador's new Communications Law: Progress on access and spectrum allocation, but a reverse for freedom of expression. *APCNews*. <https://www.apc.org/en/news/ecuadors-new-communications-law-progress-access-an>

7 See: <https://knightcenter.utexas.edu/blog/00-14071-8-highlights-understand-ecuador%E2%80%99s-controversial-communications-law>; UN OHCHR Ecuador home page: www.ohchr.org/EN/Countries/LACRegion/Pages/ECIndex.aspx; recommendations made for the country through the Universal Periodic Review (UPR) process: www.ohchr.org/EN/HRBodies/UPR/Pages/ECIndex.aspx; joint civil society submission to the UPR addressing freedom of expression: www.civicus.org/images/CIVICUS%20Joint%20Ecuador%20UPR%20Submission.pdf; further analysis of the media landscape after the Communication Law was passed can be found at: Calderón, M. J. (2016). *Internet y política: deliberación, contenido y democracia en el Ecuador 2007-2013*. Flacso: Ecuador. hdl.handle.net/10469/7973

8 There are four Freedom of the Net reports published between 2012 and 2016 that detail violations of privacy and internet freedom in Ecuador, with the latest available at: <https://freedomhouse.org/report/freedom-net/2016/ecuador>; Ecuador has also been identified as one of Hacking team's main customers: <https://es.globalvoices.org/2015/08/05/hackingteam-ecuador-gasta-millones-en-malware-y-troles-pro-gobierno> and <https://panampost.com/panam-staff/2015/08/10/hacking-team-helped-ecuador-spy-on-opposition-activist>; there is also a major debate over corruption scandals that involved Tami Slav Topic, the CEO of Telconet, and the control of fibre-optic concessions and the Pacific Caribbean Cable System: www.larepublica.ec/blog/politica/2017/07/24/topic-confiesa-que-pago-us5-millones-al-tio-de-glas-en-comisiones

often disregarding policies that would safeguard both private and public interests in telecommunication infrastructure.⁹

In 2007, the Brazilian government hosted the second global IGF, and while this promoted engagement with internet governance by regional actors, the subject was not at that point necessarily approached from a regional perspective. The regional debate began to take shape in 2008 when a group of actors proposed the creation of a multistakeholder space for political dialogue on internet governance. Since then, the Latin American and Caribbean Regional Preparatory Meeting for the Internet Governance Forum (LACIGF)¹⁰ has been held annually in different countries of Latin America.¹¹ However, it has had questionable impact on the policy-making process in Ecuador.

The private sector has been unresponsive to national IGF events. For private telecommunications providers, social responsibility amounts to funding events such as the Campus Party, which have included the private sector, innovators, academia and civil society organisations. There has been some attempt to address internet governance issues at these events. The last event took place from 30 September to 4 October 2015, and attracted 3,000 participants.¹²

Internet governance implies a political understanding of public interest. For the past 10 years, the Ecuadorian government has eroded public forums where issues of governance can be debated in a transparent fashion. Legal authoritarianism, a by-product of a hybrid regime, tends to weaken institutions. Social inclusion on decision-making processes has been set aside in favour of a top-down policy-making process. These practices have neglected civil society participation as a whole. In this context, the local IGFs represent a window of opportunity for a more open participatory environment, and a more transparent situation.¹³

A challenge to the government's legitimacy

Multistakeholder participation in internet governance in Latin America has increased since the beginning of the LACIGF meetings. For instance, the third LACIGF was held in Ecuador in early August 2010. The Association for Progressive Communications (APC),¹⁴ Nupef¹⁵ and the regional internet registry LACNIC¹⁶ brought together around 140 representatives from governments, the private sector, the technical community, academia and civil society organisations. It was a memorable event, where for the first time issues of inclusion, connectivity, openness, gender, sexual rights, and censorship and the control of content were publicly debated.¹⁷

There have been several attempts from different actors in the region to hold national IGFs throughout the years. These attempts have been isolated, and not necessarily aligned with the objectives and goals of the IGF. Such informal institutional arrangements have prevailed for the most part of the decade since the regional IGFs began to be held. Ecuador has not been an exception. Unfortunately, other actors have complained about the co-option of organisations such as the Internet Society (ISOC). This issue has deterred participation and weakened representation of civil society and other actors.¹⁸

On 27 November 2014 in Quito, the International Centre for Advanced Studies in Communication for Latin America (CIESPAL) hosted national and international experts at an event called the National Encounter on Internet Governance. This was a multistakeholder initiative, organised by civil society organisations: APC, FLOK Society,¹⁹ the Free Software Association of Ecuador (ASLE),²⁰ the Infodesarrollo network²¹ and the Latin American Information Agency (ALAI).²²

The National Encounter on Internet Governance had a strong emphasis on human rights. Private companies and intermediaries nevertheless found a meeting ground for the discussion of global issues and the possibility of opening new channels for innovation. The meeting opened a dialogue on public policy issues related to key internet governance

9 <https://www.eluniverso.com/noticias/2017/07/02/nota/6258349/internet-fijo-llega-36-hogares>

10 <https://lacigf.org/en>

11 Delgado, J. A. (2014). *Gobernanza de Internet en Ecuador: Infraestructura y acceso*. repositorio.educacionsuperior.gob.ec/bitstream/28000/1579/1/Gobernanza%20de%20Internet%20en%20Ecuador.pdf

12 www.elcomercio.com/guaifai/evento-campusparty-ecuador-2016-contrato.html and www.pichinchauniversal.com.ec/index.php/extras/item/17535-campus-party-sera-el-mayor-evento-tecnologico-del-ecuador

13 For information on hybrid regimes see: Levitsky, S., & Way, L. A. (2010). *Competitive Authoritarianism: The Origins and Dynamics of Hybrid Regimes in the Post-Cold War Era*. homes.ieu.edu.tr/~ibagdadi/INT435/Readings/General/Levitsky-Way-Stanford%20-%20Competitive%20Authoritarianism.pdf; further analysis of the Ecuadorian case can be found at: De la Torre, C. (2013). The techno-populism of Rafael Correa: Does charisma with technocracy? *Latin American Research Review*, 48, 24-43.

14 <https://www.apc.org>

15 <https://www.nupez.org.br>

16 www.lacnic.net/921/2/lacnic/lacnic-home

17 Fascendini, F. (2010, 7 October). Latin America in the run-up to the IGF: Global and regional synergy. *GenderIT.org*. <https://www.genderit.org/es/node/3205>

18 Efforts to change this situation and open up participation for other actors are still the main issue, as will be explained later.

19 flokociety.org

20 <https://www.asle.ec>

21 www.infodesarrollo.ec

22 <https://www.alainet.org/en>

issues. For the most part it remained an open, democratic and inclusive event.²³

The Ecuador IGF seeks to frame internet governance discourse within the framework of the regional and global context, as well as to offer these perspectives. It seeks to provide discussions with conceptual, technical and political inputs. Although a participant, the government has yet to use the event as an opportunity to strengthen its stakeholder network. Ideally the main objective of the government's participation should be the development of a framework based on the principle of public interest and a human rights approach to internet governance in the country that is participatory, open and inclusive.

In Ecuador there has not been enough in-depth reflection on how the internet is regulated and developed, although there is a growing awareness of the importance of universal access and use of the internet to contribute to the achievement of development objectives and to strengthen the exercise of human rights. Various groups, coalitions and national organisations have tried to address the question of internet access from a variety of perspectives, including the need to move towards technological sovereignty. The *Minga for Technological Sovereignty*,²⁴ organised by ASLE and others, is a good example of this.²⁵ These efforts provide a good basis for tackling internet issues within the framework of open and inclusive governance in the country.

While multistakeholder participation has not been strong in Ecuador, there have been groundbreaking processes, such as when Ecuador proposed a special declaration related to internet governance²⁶ at the third meeting of the Community of Latin American and Caribbean States (CELAC). These positive initiatives for the most part have been isolated and later discarded – sometimes simply because government officials in charge have been removed from their posts.

This situation illustrates the way weak institutions act when taking over multistakeholder governance decisions in hybrid regimes. While there have been efforts at reducing the digital divide over the past 10 years, and there have been

important advances such as proclaiming the internet as a public good, practical improvements in global connectivity have been sparse and mostly uncoordinated.²⁷

In 2016, ISOC-Ecuador hosted a national IGF in the city of Manta. In line with the institutional principles of the IGF, it was meant to be open, inclusive and with multistakeholder input. But the event was limited. According to information from other stakeholders, the call for participation was not open to everybody. Since then, participants in the organisation of the 2017 Ecuador IGF have tried to push the forum towards a more decentralised environment. The proposal was made to host the event in Loja on 24 November.

Once again, however, there has been a lack of proper coordination with other larger civil society organisations, grassroots organisations and marginalised groups. While the event has been held outside the capital Quito in an effort to open the debate for other sectors of society, the ISOC-Ecuador chapter has been criticised on issues including power alternation, a lack of institutional participation, and a lack of transparency.²⁸ As seen on the panels for the 2017 event, there is also little attention to gender balance, and minorities have been neglected.²⁹

Conclusions

Ecuador's national IGF tells us a story of differences – and that there are very few success stories to share with the region. Key challenges faced are freedom of expression, gender equity, privacy, e-commerce, security, cybercrime and the need to develop and promote the ICT industry; all these fall within the frame of internet governance, but in Ecuador, they have been kept silent due to political interests. If local organisations and internet users are trying to build public engagement, open dialogue with other stakeholders is necessary.

There is an increasing need to promote the strengthening of institutions in a secure and trusting environment in Ecuador. The importance of a framework that sets goals that stand above private interests – which are mostly political – in order to achieve common objectives needs to be

23 For a summary of the event and policies discussed see Delgado, J. A. (2014). *Op. cit.*

24 www.somoslibres.org/modules.php?name=News&file=article&sid=6454

25 The other civil society organisations that acted as organisers of the event were CIESPAL, APC, Infodesarrollo network, FLOK Society and ALAI.

26 www.sela.org/celac/cumbres/iii-cumbre-celac-costa-rica-2015/declaraciones

27 The law on the social economy of knowledge paves the way to establishing the internet as a public good. In 2015, most of criticism derived from the risks of having the government control all access and connectivity. See: codigo-abierto.cc/ecuador-pone-rumbo-a-la-economia-del-bien-comun

28 Interviewees for this research felt the alternation of power for the executive positions of ISOC was a good thing, as it increased the legitimacy needed for these events.

29 Information about the organisation and events can be found at: www.isoc.org.ec/?q=es/node/44

recognised. To date, the process of institutional competence in internet governance has suffered from a lack of foundational agreement on principles and norms. A framework could enable the national IGF to adopt global mechanisms and conventions, and increase the cultural acceptance and legitimacy of processes such as much-needed inclusive dialogue.

Currently the meetings for the next national IGF which will take place in Ecuador are being held once a month and there is a chat group that coordinates individual efforts. As suggested, most of the stakeholders have demanded openness – and this year it will be held in the city of Loja.

There have been specific efforts to include academia – at least two universities are participating – and other stakeholders this year, and it will be hosted in a place where most of the people are included due to a more open environment. It remains to be seen if this will be the case.

Action steps

The following action steps are suggested for civil society in Ecuador:

- Civil society organisations feel the need for an international stakeholder to guarantee an open and democratic internet governance process in the country. For some, there is a need for a UN

envoy solely devoted to the organisation of the IGF in Ecuador. The objective is to open the debate and assure a democratic and transparent process. Although this suggestion might sound far-fetched, it is a reflection of the citizens' lack of trust in institutions and stakeholders.

- There is a need to ensure the independence and accountability of the IGF process. External technical support from organisations such as the IGF Academy³⁰ and APC could be helpful mechanisms to achieve this. The latter has an important relationship with civil society organisations, as well as regional recognition.³¹
- Legitimacy is the main challenge that the IGF has to overcome in a country with many social and political conflicts. A multistakeholder internet governance model needs to be built on the bases of openness and transparency – and this can only be achieved in face-to-face meetings where trust and confidence can grow.
- Financial aid for meetings to organise the IGF is important. Civil society organisations, the government and the private sector should consider developing a small budget to host meetings in preparation for the event. This will ensure participation and interest among stakeholders and promote an inclusive environment.

³⁰ [igf.academy/#kurzbeschreibung](https://www.igf.academy/#kurzbeschreibung)

³¹ <https://www.apc.org/en/tags/ecuador>



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Introduction

Recent events in the Arab region have foregrounded the internet as an alternate space for political opposition and, as a result, have led Arab governments and civil society to realise the significance of progressive internet policies in sustaining an open internet and securing digital rights. This need, however, is challenged in Egypt by the country's controversial internet governance system, which is built upon arbitrary policies, overlapping jurisdictions and contradictory laws. The major challenge in Egypt is the absence of an open, inclusive policy dialogue, which could have been partially achieved through the Arab Internet Governance Forum (Arab IGF). However, the ecosystem of the Arab IGF and the challenges of the regional process did not allow this to happen.

This report analyses the national internet policy-making process in Egypt, with a special focus on the ecosystem of internet governance and the legal landscape that regulates the digital space. The report looks at the local internet governance arrangements, including the main actors and issues that influence the national policy-making process. It further touches upon how these stakeholders and issues interact at the Arab IGF.

Economic and political background

The Egyptian government was formed in May 2014 following a popularly backed coup, and a parliament was elected in December 2015 with a pro-government majority. Corruption, terrorism, sectarian attacks and political unrest are features of the political landscape. The situation has been further aggravated by the declaration of a state of emergency for three months in April 2017, extended in June 2017 for another three months. This has adversely impacted on the space for political opposition, and the digital space is no different. The government clamps down on dissenting voices, creating a deeply polarised society. The emergency law curtails fundamental freedoms enshrined in the constitution, since it permits communications

surveillance without a judicial warrant, bristles media freedom, and curbs demonstrations.¹

The government espouses economic reform hinging upon a USD 12-billion loan from the International Monetary Fund that imposes austerity measures, including raising taxes, lifting subsidies and devaluing the Egyptian pound, which pushed the inflation rate to peak at its highest in three decades.²

Nevertheless, the information and communications technology (ICT) industry proved to be the most resilient sector during the political uncertainty and economic distress. In 2014/2015, the sector contributed 4.1% to the gross domestic product (GDP), showing 13% growth.³ However, during the first quarter of the fiscal year 2016/2017, the sector contribution to the GDP declined to 3%.⁴

The internet governance ecosystem in Egypt

The legal landscape

The 2014 Egyptian Constitution acknowledges fundamental rights such as freedom of expression, freedom of assembly and privacy. Egypt has also ratified international human rights treaties. The legal system nevertheless does not provide adequate safeguards for fundamental rights and imposes restrictions that are neither necessary nor proportionate, and hence is at loggerheads with international human rights standards.

Egypt has an array of legislation that regulates the digital space. The telecommunication law⁵ is the main legal instrument governing the internet. Some

1 Mourad, M. (2017, 11 April). Egypt's parliament approves three-month state of emergency. *Reuters*. www.reuters.com/article/us-egypt-violence-emergency-law-idUSKBN17D1SI

2 Mada Masr. (2016, 28 October). IMF welcomes Egypt's austerity measures, advises against lifting food subsidies. *Mada Masr*. <https://www.madamasr.com/en/2016/10/28/news/economy/imf-welcomes-egypts-austerity-measures-advises-against-lifting-food-subsidies> and Gamal El-Din, Y., & Feteiha, A. (2017, 12 February). Surging Egypt Inflation May Soon Peak, Finance Minister Says. *Bloomberg*. www.bloomberg.com/news/articles/2017-02-12/surging-egypt-inflation-may-soon-peak-finance-minister-says

3 Oxford Business Group. (n.d.). Egyptian telecoms sector moves towards 4G. www.oxfordbusinessgroup.com/overview/counting-down-government-rapidly-pushing-sector-towards-4g

4 Ministry of Communications and Information Technology. (2017). ICT Sector Contribution to GDP in FY 2016/2017 Q1 Rises. www.mcit.gov.eg/Media_Center/Latest_News/News/4399

5 www.tra.gov.eg/en/regulation/DocLib/القانون%20للسنة%2015.pdf

legislation is applied equally to traditional and online media, including the penal code, criminal law, publications law, regulation of the press law and intellectual property law. A number of provisions scattered across different legislation tackle privacy, but no overarching legal framework regulates privacy and data protection.

Following the 2011 revolution, new laws were adopted to further throttle political opposition, including an anti-terrorism law,⁶ a protest law,⁷ a media law⁸ and an NGO law.⁹ Laws that govern the digital space specifically have been drafted but have still not been approved, such as freedom of information, e-commerce and cybercrime laws.¹⁰ The new legal additions impose unprecedented restrictions to freedom of expression and freedom of assembly on the basis of national security and terrorism. Restrictions are broadly defined using a fuzzy language of provisions, leaving laws open to abuse.

The involvement of stakeholders in policy-making processes

Government

The Egyptian government has been investing in the ICT sector since 1999 and has established a strong infrastructure. This was seen in the level of internet penetration which grew exponentially from 0.64% in 2000 to 39.21% in 2016.¹¹ The ICT sector further contributed to the national economy through establishing a competitive marketplace that enables business and socioeconomic development. Some challenges nevertheless hinder the continuous growth of the sector; most significant is the downturn in the quality of mobile and internet services, which are still provided at a high cost.

Internet access is a priority for the government amid the development process that the country is undertaking. The telecommunication law has a number of articles that tackle internet access and network neutrality. Although some access-related laws have yet to be brought into effect, the government has promoted access through a myriad of

initiatives and public-private partnerships.¹² After two months of providing Facebook's Free Basics services, the government blocked the zero-rating programme. Due to the absence of any public debate on zero-rating, the reasons behind the government's decision are being contested. While net neutrality is usually the criticism used against zero-rated services, Free Basics was reportedly blocked in Egypt as it harms companies and their competitors. Concerns were also raised that Facebook declined a demand for surveillance by the Egyptian government.¹³

On one hand, cybersecurity is another priority area for the government. The International Telecommunication Union (ITU) Global Cyber Security Index 2017 marked Egypt as a leading country that demonstrates high commitment in all pillars of the index.¹⁴ On the other hand, internet surveillance is an area of concern. The Citizen Lab reported in 2013 that the Egyptian authorities deploy Blue Coat Devices for filtering, censorship and surveillance.¹⁵ In 2014, The Citizen Lab also identified the Egyptian government as among the users of Hacking Team's RCS spyware for interception.¹⁶

The National Telecommunication Regulatory Authority (NTRA)¹⁷ is the main regulatory body of the sector, and it is supposed to be independent. It has the mandate to protect customers' rights, but also national security. This means a strong and close relationship with the government, and the Ministry of Defence and national security entities have representatives on the NTRA's board of directors. In addition, the NTRA has reportedly imposed restraints on connectivity through blocking voice over internet protocol (VoIP) services on mobile phones in October 2015. While the NTRA issued a statement asserting that VoIP services were not banned by the agency but rather by the service providers, the latter

6 www.atlanticcouncil.org/images/EgyptSource/Egypt_Anti-Terror_Law_Translation.pdf

7 www.english.ahram.org.eg/News/87375.aspx

8 www.almasryalyoum.com/news/details/1063125

9 www.youm7.com/story/2016/11/15/

إنشور-النص-الكامل-لقانون-الجمعيات-الاعلمية-بعد-موافقة-البرلمان-عليه

10 Ministry of Communications and Information Technology. (n.d.). National ICT Strategy 2012-2017: Towards a Digital Society and Knowledge-based Economy. www.mcit.gov.eg/Upcont/Documents/ICT%20Strategy%202012-2017.pdf

11 www.itu.int/en/ITU-D/Statistics/Documents/statistics/2017/Individuals_Internet_2000-2016.xls

12 Internet Legislation Atlas. (n.d.). Egypt - Access to the Internet and net neutrality. www.internetlegislationatlas.org/#/countries/Egypt/frameworks/internet-access

13 Abutaleb, Y., & Menn, J. (2016, 1 April). Exclusive: Egypt blocked Facebook Internet service over surveillance - sources. *Reuters*. www.reuters.com/article/us-facebook-egypt-idUSKCN0WY3JZ

14 International Telecommunication Union. (2017). Global Cybersecurity Index 2017. www.itu.int/dms_pub/itu-d/opb/str/D-STR-GCI.01-2017-PDF-E.pdf

15 Marczak, B., Guarnieri, C., Marquis-Boire, M., & Scott-Railton, J. (2014, 17 February) Mapping Hacking Team's "Untraceable" Spyware. *The Citizen Lab*. <https://citizenlab.ca/2014/02/mapping-hacking-teams-untraceable-spyware>

16 Marquis-Boire, M., Dalek, J., McKune, S., Carrieri, M., Crete-Nishihata, M., Deibert, R., Khan, S., Noman, H., Scott-Railton, J., & Wiseman, G. (2013, 15 January). Planet Blue Coat: Mapping Global Censorship and Surveillance Tools. *The Citizen Lab*. <https://citizenlab.ca/2013/01/planet-blue-coat-mapping-global-censorship-and-surveillance-tools>

17 www.tra.gov.eg/en/SitePages/default.aspx

confirmed that Skype calls from 3G networks were disabled after receiving a directive from the NTRA.¹⁸

Business

Egypt has 18 maritime cables crossing 160,000 kilometres.¹⁹ The fixed-line infrastructure and the provision of international connectivity are monopolised by the incumbent operator, Telecom Egypt.²⁰ It leases bandwidth to internet service providers (ISPs) and grants them operating licences to function in accordance with the regulations specified by the NTRA. While the mobile market, with only three companies, is an oligopoly, there are 220 ISPs, with five main players.

The telecommunication law stipulates that telecommunication service operators and providers shall offer all their technical capacity to the competent authorities “in case of natural or environmental disasters or during declared periods of general mobilisation” (Article 67), without a due administrative or judicial order. In accordance with this article, service providers were instructed to shut down the internet during the 2011 revolution, and the blackout had an economic impact of USD 90 million.²¹ Vodafone published a statement and a Mobinil founder spoke out to the media to clarify their compliance with the government’s requirement for a communications blackout.²² The government decision was further challenged in court and the former president, prime minister and interior minister were fined for the economic damages.²³

At one extreme, the telecommunication law also permits service operators and providers to collect

user information (Article 64), which constitutes a risk to personal privacy when using the internet, given that there is no data protection law. At the other extreme, the criminal law proscribes the disclosure of national security-related materials which, in turn, prohibits service providers from publishing transparency reports vis-à-vis their assistance to the law enforcement bodies.²⁴ This means that there is a lack of transparency concerning the volume and nature of requests for users’ data by the Egyptian authorities. Additionally, there is no specific legal framework that regulates intermediary liability, and some laws could hold internet intermediaries liable for third party content.²⁵ In view of the tight grip that the Egyptian government has on the ICT infrastructure and the terms of agreement between the government and the service operators and providers, the private sector can hardly influence any new policy decision-making process and rather has to comply with the government.

Civil society

Egypt has a diverse and vibrant civil society sector, with organisations working mostly on developmental and human rights issues. Specialist topics like universal access, zero-rating and net neutrality receive little attention from civil society and as a result, relevant policies are infrequently proposed or debated. Civil society is nevertheless vigorous in defending fundamental rights including online freedoms. Efforts in this regard include monitoring government performance, producing policy reviews and legal analysis, conducting research and advocating for good legislation. Some organisations provide legal assistance to human rights defenders and journalists who face arbitrary arrest. That said, it is quite challenging for civil society organisations to influence the decision-making process on account of the constrained space for public debate.

Additionally, the pluralism of media is contested in Egypt as most media outlets support the government, and independent media face fierce obstacles. The laws that regulate print media are applied to online media; social media and blogs are no exceptions. News websites are not deemed media outlets unless they are linked to a print newspaper, which hinders the capacity of online journalists to acquire press credentials and gain access to some journalistic sources.²⁶

18 Egyptian Streets. (2015, 7 October). Social Media Users Enraged Over Alleged Skype, Viber, WhatsApp Ban in Egypt. <https://egyptianstreets.com/2015/10/07/social-media-users-enraged-over-alleged-skype-viber-whatsapp-ban-in-egypt> and Essam, S. (2016, 21 April). Update: Lawsuit demanding answers about blocks on internet calls postponed for 2nd time. *Mada Masr*. <https://www.madamasr.com/en/2016/04/21/feature/economy/update-lawsuit-demanding-answers-about-blocks-on-internet-calls-postponed-for-second-time>

19 Ministry of Communications and Information Technology. (2015). Measuring the Digital Society in Egypt: Internet at a Glance - Statistical Profile 2015. www.mcit.gov.eg/Upcont/Documents/Publications_1272015000_Measuring_the_Digital_Society_in_Egypt_12_.pdf

20 <https://www.te.eg>

21 OECD. (2011, 4 February). The economic impact of shutting down Internet and mobile phone services in Egypt. www.oecd.org/countries/egypt/theeconomicimpactofshuttingdowninternetandmobilephoneservicesinegypt.htm

22 Vodafone. (2015). *Law Enforcement Disclosure Report - Updated Legal Annex*. www.vodafone.com/content/dam/sustainability/2014/pdf/operating-responsibly/law_enforcement_disclosure_report_2015_update.pdf and Freedom House. (2012). Egypt - Freedom on the Net 2012. <https://freedomhouse.org/report/freedom-net/2012/Egypt>

23 Reuters. (2011, 8 August). Egypt court demands details of web, phone blackout. *Reuters*. www.reuters.com/article/us-egypt-court-mubarak/egypt-court-demands-details-of-web-phone-blackout-idUSTRE773FN20110808

24 Vodafone. (2015). Op. cit.

25 MacKinnon, R., Hickok, E., Bar, A., & Lim, H. (2014). *Fostering freedom online: The role of Internet intermediaries*. UNESCO/Internet Society. www.unesdoc.unesco.org/images/0023/002311/231162e.pdf

26 Freedom House. (2016). Egypt - Freedom on the Net 2016. <https://freedomhouse.org/report/freedom-net/2016/egypt>

After the 2011 revolution, the authorities buttressed stark measures to quell legitimate criticism and crack down on opposition. The persecution of activists and journalists included the freezing of assets, travel bans, office raids and the confiscation of equipment. In February 2017, The Citizen Lab reported that a large-scale phishing campaign using a sophisticated social engineering technique targeted Egyptian human rights defenders and journalists.²⁷ In May 2017, 21 websites that are critical of the government were blocked for allegedly spreading lies and supporting terrorism.²⁸ In June 2017, the number increased to 135 websites that had been blocked.²⁹

Such practices are further complemented by legal instruments that overregulate online content and media workers, using a fuzzy language of provisions that provide stark penalties for incitement and defamation. Moreover, the circulation of false news and rumours is outlawed and is widely used by the authorities to condemn journalists. One of the ramifications is that self-censorship is rife.³⁰

Internet users

The number of internet users increased significantly from 12.3 million users in 2009 to 29.84 million in 2015. However, men still use the internet more than women: 63% vs. 54% of the total population.³¹ More internet users are also in urban areas compared to rural areas (39% vs. 22%).³² This demonstrates gender and geographical digital divides. While a lack of interest is the main obstacle that prevents many Egyptians from using the internet, security and privacy barriers are of least concern to them, the Ministry of Communications and Information Technology reported.³³ Illiteracy and poverty are further major impediments that contribute to the digital divide.

27 Scott-Railton, J., Marczak, B., Raouf, R., & Maynier, E. (2017, 2 February). Nile Phish: Large-Scale Phishing Campaign Targeting Egyptian Civil Society. *The Citizen Lab*. <https://citizenlab.ca/2017/02/nilephish-report>

28 El-Taher, M., Al-Azahry, H., & Mohsen, S. (2017, 4 June). Decision from an Unknown Body: On blocking websites in Egypt. *Association for Freedom of Thought and Expression*. https://aftegypt.org/right_to_know-2/publicationsright_to_know-right_to_know-2/2017/06/04/13069-aftegypt.html?lang=en

29 Ibid.

30 El Dahshan, M., & Stamboliyska, R. (2014). *Egypt: News Websites and Alternative Voices*. ARTICLE 19. <https://www.article19.org/data/files/medialibrary/37780/Egypt-Report-for-Web.pdf>

31 Northwestern University in Qatar. (2015). *Media Use in the Middle East, 2015 - A six-nation survey*. www.mideastmedia.org/survey/2015 and Ministry of Communications and Information Technology. (2017). ICT Indicators in Brief. www.mcit.gov.eg/Upcont/Documents/Publications_672017000_En_ICT_Indicators_in_Brief_April_2017.pdf

32 Ministry of Communications and Information Technology. (2015). Op. cit.

33 Ibid.

Internet users in Egypt have been subject to various allegations and charges. In May 2016, Street Children, a satire troupe, faced charges of posting a video on YouTube that mocks President Abdel Fattah el-Sisi and promoting terrorist views on the internet.³⁴ In February 2016, four Christian teenagers were sentenced to five years in prison for defaming Islam through posting a video on YouTube mocking the Islamic State.³⁵ Minority groups are also at risk. For example, the authorities have used social media channels to entrap and arrest lesbian, gay, bisexual and transgender (LGBT) individuals.³⁶

Notwithstanding such violations, a survey conducted by Northwestern University in Qatar in 2015 revealed that 49% of those surveyed felt that the internet should be more tightly regulated and 36% are convinced that government oversight helps improve the quality of news reporting. Only a few were worried about their online privacy and surveillance by the government and companies, 26% and 24% respectively.³⁷

Regional reflection

Since the Arab IGF was launched in 2012, the Egyptian NTRA has assumed the duties of the secretariat coordinating the work of the Arab Multistakeholder Advisory Group (AMAG) and the preparations for the annual meetings. Throughout the five MAGs that were formed, Egypt was represented by different local stakeholders. A small delegation also represented the government in most of the Arab IGF annual meetings and organised workshops on online child protection, digital content and social networks. The representation of civil society, which focused mainly on human rights issues, was improved from the first meeting in 2012 to the last one in 2015. For civil society, the forum was an opportunity to voice local concerns, seeing that there is no inclusive policy dialogue at the national level. That said, due to the poor representation of the local stakeholders from most Arab countries and the lack of support from the Arab governments, national policy issues were not translated effectively into regional discourse.

34 The Arabic Network for Human Rights Information. (2016, 24 May). EGYPT: incarceration of "street children" troupe members renewed. www.anhri.net/egypt-incarceration-of-street-children-troupe-members-renewed/?lang=en

35 Mada Masr. (2016, 25 February). 3 Coptic teens handed maximum 5-year prison sentence for insulting Islam. *Mada Masr*. <https://www.madamasr.com/en/2016/02/25/news/u/3-coptic-teens-handed-maximum-5-year-prison-sentence-for-insulting-islam>

36 Human Rights Watch. (2016). Egypt: Events of 2016. <https://www.hrw.org/world-report/2017/country-chapters/egypt>

37 Northwestern University in Qatar. (2015). Op. cit.

Conclusions

The ICT sector is crucial to the Egyptian economy, but it encounters regulatory obstacles that should be overcome to ensure its growth and continuous contribution to the national economy. Internet availability and affordability, as well as the quality of services, are some of the issues to be addressed in order to bridge the digital divide.

Internet infrastructure in Egypt is built on censorship and surveillance apparatuses that create a threatening environment. The digital space is tightly regulated through a security-centred approach that hinges upon draconian legal frameworks, policies and regulations. National security, social coherence and state sovereignty are often used as the pretext for many of the egregious regulatory provisions that constitute the weak legal environment that poses grave threats to human rights. This hinders the capacity of citizens to reap the social, economic and political benefits of the internet.

In addition, the national internet policy-making process lacks transparency, juridical oversight and checks and balances. It is rather a top-down decision-making process where laws are drafted and approved in a silo. Internet governance is therefore not inclusive and participation from relevant stakeholders, specifically civil society and media workers, is discouraged by the government.

Egyptian internet users demonstrate a low level of awareness of internet governance issues, including a poor understanding of the government's responsibilities in this regard. That the society is deeply polarised and political opposition stifled has a chilling effect on the digital space

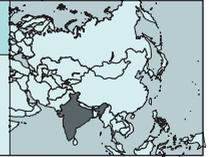
for public debate. Civil society organisations are nonetheless pursuing various approaches to advocate for online freedoms which, in turn, put them at risk.

Action steps

An inclusive public policy debate should be promoted by the Egyptian government to improve the national internet governance process. In line with this, internet legislative reform is essential to establish a robust legal system that provides adequate safeguards for fundamental rights in conformity with international human rights standards. Draft laws should be open for public comment. Internet policies and regulations should also be revisited to promote internet access with better pricing and quality as well as a competitive ICT market.

More effort is still required to bridge the knowledge gap and interpret complex technical and legal issues *vis-à-vis* internet governance. This should contribute to raising the awareness of internet users and help them understand the ramifications of policy decisions. In this regard, launching a national IGF is important to discuss internet-related issues and build the capacity around such issues.

A comprehensive perspective on internet governance that is not limited to human rights should be espoused by civil society. Civil society organisations and individuals should also be more active in regional and global policy forums. They should join transnational movements to have access to diverse resources and advocacy channels, and through this, develop a better understanding of the internet governance process.



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The 2008 IGF: An ambitious agenda is set

The first Internet Governance Forum (IGF)¹ was convened in 2006 in Athens, and two years later India hosted the third IGF in Hyderabad. The overall theme for the third IGF was “Internet for All”,² with in-depth discussions held on a number of thematic areas.³

Our report focuses on the following issues, specifically in the Indian context:

- How far have we progressed towards the stated goal of “Internet for All”?
- Are certain segments of society still excluded from access to the internet?
- In the quest for internet expansion, are we compromising on crucial aspects of personal liberty and security?

Through answering these questions, we consider how the international agenda gets implemented at the national and local levels, the importance of balancing stakeholder interests in policy formulation and execution, and the corresponding consequences of stakeholder exclusion from the process.

Specifically in the context of internet governance, readers will be encouraged to think about what “Internet for All” actually entails. In the quest for internet expansion, are we in fact opening a Pandora’s box? Should internet access only be measured in the numbers of people online, or should it also be pegged to other normative and substantive human rights parameters?

- 1 “The IGF is a forum for multi-stakeholder dialogue on public policy issues related to key elements of Internet governance issues, such as the Internet’s sustainability, robustness, security, stability and development.” www.intgovforum.org/multilingual/content/about-igf-faqs
- 2 www.intgovforum.org/multilingual/content/the-igf-2008-meeting
- 3 Namely, “Reaching the Next Billion”, “Promoting Cyber-Security and Trust”, “Managing Critical Internet Resources”, “Emerging Issues - the Internet of Tomorrow”, and “Taking Stock and the Way Forward”. Third Meeting of the Internet Governance Forum (IGF). (2008). Chairman’s Summary, p. 1. www.intgovforum.org/cms/hydera/Chairman%27s%20Summary.10.12.2.pdf

Internet governance in the Indian landscape

A large South Asian democracy, India is one of the fastest growing global economies.⁴ Politically, the current National Democratic Alliance government is widely considered majoritarian, right-wing⁵ and pro-business,⁶ and enjoys a decisive mandate. India is also a unique country in the context of its vast number of religious,⁷ caste-based and linguistic identities which strongly influence populist policy making.⁸ But it is the abovementioned pro-business outlook of the government, in particular, that has resulted in an aggressive push towards digitisation.⁹

This drive towards digitisation can well be viewed as being coercive in nature. For example, the Indian government’s decision to demonetise has left people with no choice but to adopt digital payments.¹⁰ Another example is the government’s decision to first disallow the filing of income tax statements offline in many situations,¹¹ and then make online tax filings contingent upon mandatory linking of the Permanent Account Number (PAN)¹²

4 Predicted to grow at 7.2% in 2017. See World Bank Group. (2017). *Global Economic Prospects, June 2017: A Fragile Recovery*. www.openknowledge.worldbank.org/bitstream/handle/10986/26800/9781464810244.pdf?sequence=14&isAllowed=y

5 Karat, P. (2016, 6 September). Fight against BJP cannot be conducted in alliance with the other major party of the ruling classes. *The Hindu*. www.indianexpress.com/article/opinion/columns/india-nda-government-narendra-modi-bjp-right-wing-hindutva-3015383

6 Rastello, S. (2016, 5 January). No Scope In Modi’s Pro-Business India For Less Government. *NDTV.com*. www.ndtv.com/india-news/no-scope-in-modis-pro-business-india-for-less-government-1262261

7 www.minorityaffairs.gov.in/about-us/about-ministry

8 Krishna, T. M. (2017, 14 August). India at 70: Can we get rid of caste? *DailyO*. www.dailyo.in/politics/caste-discrimination-reservations-scs-sts-quota/story/1/18949.html

9 Through the Digital India programme launched in 2015. www.digitalindia.gov.in

10 Bhakta, P. (2017, 27 May). Demonetisation effect: Digital payments India’s new currency; debit card transactions surge to over 1 billion. *The Economic Times*. www.economicstimes.indiatimes.com/articleshow/58863652.cms

11 ClearTax. (2017, 1 August). Income tax return filing has begun for Financial Year 2016-17 (Assessment Year 2017-18). www.cleartax.in/s/are-you-required-to-file-an-income-tax-return-for-ay-2017-18-fy-2016-17

12 The PAN is a 10-digit unique alphanumeric number issued by India’s Income Tax Department to all judicial entities (e.g. individuals or businesses) who are liable to pay income tax. See [www.incometaxindia.gov.in/tutorials/1.permanent%20account%20number%20\(pan\).pdf](http://www.incometaxindia.gov.in/tutorials/1.permanent%20account%20number%20(pan).pdf)

with a national ID (“Aadhaar”),¹³ which is known to be fraught with privacy risks.¹⁴

When it comes to internet policy discussions specifically, such discussions are not necessarily always transparent¹⁵ or inclusive,¹⁶ with the balance of power squarely with the executive government, which is the most dominant stakeholder. Cases of civil society victories over the government, especially in matters of internet policy,¹⁷ have been few and far between.

Making a case for multilingualism, inclusivity and security

In 2008, in the aftermath of the deadly terror attacks in Mumbai, instead of reacting in a knee-jerk manner, India bravely stayed committed to hosting the third IGF in Hyderabad. Considering that only two countries before it (and nine others since) have hosted global IGF summits,¹⁸ this was a great opportunity for India to encourage various stakeholders to exchange ideas on the future of global internet governance.

At the summit, poignant and far-reaching observations were made about how the future of the internet lies in embracing multilingualism, putting strategies in place to ensure localised content in regional languages, increasing access to the “next

billion” mainly through mobile devices, and how the next round of internet users need to double up as “content creators” and not just “information receivers”.¹⁹

Another important acknowledgement, by India’s minister for communication no less, was the need for collaboration between governments, private industry and civil society.²⁰ It was acknowledged that the internet was not just for commerce/business, but also about inclusiveness and empowerment.²¹

Cybersecurity was stated to be the “most serious challenge for all concerned” and the fight against cybercrime should be given the “utmost priority”.²²

When it came to marginalised and vulnerable communities, the discussions of the third IGF pertaining to inclusive internet access, multilingualism and cybersecurity had the potential to impact significantly on the differently abled community,²³ linguistic and regional minorities, women and children.

Diverse stakeholder participation, with some exceptions

The event was very well attended with 1,280 participants from 94 countries.²⁴ In terms of stakeholders, 133 of the participants (14%) were media representatives, 25% each were from civil society and the private sector, 23% from the government, 10% from the technical and academic communities, and the last 3% from international organisations.²⁵

Geographically, 71% of the participants came from Asia, with 56% from India.²⁶ There were also 522 remote participants who used video and audio streaming, online chat, email and blogs. Using “remote hubs”, parallel discussions were held in Buenos Aires (Argentina), Belgrade (Serbia), São Paulo (Brazil), Pune (India), Lahore (Pakistan), Bogotá (Colombia), and Barcelona and Madrid (Spain).

13 Aadhaar in Hindi means “foundation” or “base”. See Motiani, P. (2017, 25 August). You are required to link PAN with Aadhaar for now despite SC ruling on privacy: Experts. *The Economic Times*. www.economicstimes.indiatimes.com/articleshow/60220212.cms

14 Khera, R. (2017, 19 July). The Different Ways in Which Aadhaar Infringes on Privacy. *The Wire*. www.thewire.in/159092/privacy-aadhaar-supreme-court

15 A clear case in point was the raging 2015 debate on net neutrality where the government machinery, in an apparent collusion with major telecom players and multinational corporations, tried to sneak in “Free Basics” without truly consulting stakeholders. See www.youtube.com/watch?v=mFY1Nkrzqio (3:50 min onwards). See also Babu, A. (2015, 23 December). 10 things to know about Facebook’s Free Basics, net neutrality. *Business Standard*. www.business-standard.com/article/companies/10-things-to-know-about-facebook-s-free-basics-net-neutrality-115122300326_1.html. Other prominent instances of non-inclusive policy development include making India’s controversial national ID mandatory [Rajagopal, K. (2017, 21 April). What is the logic behind making Aadhaar mandatory for filing I-T returns, SC asks Centre. *The Hindu*. www.thehindu.com/news/national/sc-questions-centre-over-making-aadhaar-mandatory-for-filing-it-returns/article18181420.ece] and the bombshell move of demonetisation of the currency without any prior notice [Associated Press. (2016, 24 November). Demonetisation: Sudden currency move by PM Narendra Modi spoils business at food market. *Financial Express*. www.financialexpress.com/economy/demonetisation-sudden-currency-move-by-pm-narendra-modi-spoils-business-at-food-market/454427].

16 Ibid.

17 Ibid. See also Dovall, P. (2016, 8 February). Big win for net neutrality: Telecom regulator prohibits discriminatory tariffs for data. *Gadgetsnow.com*. www.gadgetsnow.com/tech-news/Big-win-for-net-neutrality-Telecom-regulator-prohibits-discriminatory-tariffs-for-data/articleshow/50901547.cms

18 www.intgovforum.org/multilingual/

19 Third Meeting of the Internet Governance Forum (IGF). (2008). Op. cit., p. 2 and 3.

20 Ibid., p. 23.

21 Ibid.

22 Ibid.

23 Ibid.

24 www.igf.wgig.org/cms/index.php/component/content/article/42-igf-meetings/414-attendance-breakdown-of-the-hyderabad-meeting

25 Ibid.

26 The breakdown of participants from the rest of the world is as follows: Africa (5%), North America (5%), Eastern Europe (3%), Latin American and Caribbean (3%), Oceania (1%) and Western Europe (12%). www.igf.wgig.org/cms/index.php/component/content/article/42-igf-meetings/414-attendance-breakdown-of-the-hyderabad-meeting

Despite the high level of participation, which was close in numbers to the second IGF, it was noted with concern that there was an absence of parliamentarians, young people and broadcasters. A gender imbalance at the IGF was also noted as an issue.²⁷

Quantity over quality?

Tangible increase in internet access numbers, but numbers do not tell the whole story

In the aftermath of the third IGF, India immediately got down to the task of increasing internet access. Post IGF III, the number of internet users in India increased from 52.4 million in 2008 (when the Hyderabad summit was held) to 462 million in 2016.²⁸

As anticipated in the Hyderabad IGF,²⁹ this spurt in internet access came largely through mobile phones.³⁰ In addition, also as anticipated by the IGF,³¹ strategies to encourage multilingualism³² played a key role in increasing access. As per a KPMG report, the number of Indian-language internet users grew 41% between 2011 and 2016. Indian-language internet users are expected to account for nearly 75% of India's user base by 2021.³³

However, the increased numbers do not tell the full story. Firstly, the access and penetration numbers themselves are suspect, with questions being raised as to the data collection process, and accusations of double counting.³⁴ Despite

improvement,³⁵ there is still a regional divide in internet access, with some states having better internet access than others, and rural areas continuing to lag in terms of internet access compared to urban areas.³⁶ There is also an obvious gender divide, with women not getting equal access due to a number of socioeconomic reasons that include having no control over their personal finances and a belief that the internet could lead them astray.³⁷ Next is the question of affordability. Despite plummeting data and handset prices, "households that are poorer are constrained by the absence of enabling infrastructure like computers, dongles, smartphones and feature phones, as well as the cost of internet services."³⁸ Then there is the question of slow internet speed, which in turn is connected to poor infrastructure.³⁹

Access for differently abled people is another area of concern. As per the 2011 census in India, there are around 26.8 million people with disabilities in India, 18.6 million (roughly 70%) of whom are in rural areas.⁴⁰ With respect to disability access, India is said to have a "confluence of barriers to accessibility with inaccessible and unaffordable technologies, inaccessible websites and unsupportive laws."⁴¹ The government has given cause for hope, however, by enacting the Rights of Persons with Disabilities Act (2016), which among other aspects mandates that all content, whether audio, print or electronic media, must be in "accessible format".⁴²

Finally, when it comes to access there is also a lack of awareness as to the full potential of the internet, as most users tend to restrict themselves to just Facebook, YouTube and WhatsApp.⁴³ The

27 Third Meeting of the Internet Governance Forum (IGF). (2008). Op. cit., p. 19.

28 www.internetlivestats.com/internet-users/india/

29 Third Meeting of the Internet Governance Forum (IGF). (2008). Op. cit., p. 4.

30 Today, close to 80% of internet access in India is via mobile phones. gs.statcounter.com/platform-market-share/desktop-mobile-tablet/india#monthly-201702-201702-bar

31 Third Meeting of the Internet Governance Forum (IGF). (2008). Op. cit., p. 3.

32 The Indian government programme called *e-bhasha* is one key example. See Ministry of Communications. (2014). Internet Governance Forum Meeting to Focus on Policies Enabling Access, Growth and Development on the Internet. www.pib.nic.in/newsite/mbErel.aspx?relid=109309; see also Lahiri, A. (2015, 23 March). Internet becomes vernacular with relaunch of e-bhasha. *Governance Now*. www.governancenow.com/gov-next/egov/internet-becomes-vernacular-relaunch-ebhasha. Additionally, the role of large communication giants like Facebook and Google should also be highlighted. See Chaturvedula, S. (2016, 8 July). Google and Facebook's attention to India might speed up Indic computing. *Livemint.com*. www.livemint.com/Industry/uH1cxQy4c5TgyV2oXzkdgO/Google-and-Facebooks-attention-to-India-might-speed-up-Indi.html

33 KPMG & Google. (2017). *Indian languages – Defining India's Internet*. <https://assets.kpmg.com/content/dam/kpmg/in/pdf/2017/04/Indian-languages-Defining-Indias-Internet.pdf>

34 Krishnan, A. (2017, 27 March). How many Indians have Internet? *The Hindu*. www.thehindu.com/business/how-many-indians-have-internet/article17668272.ece

35 As per the report titled "Internet in India" by the Internet and Mobile Association of India (IAMAI), "Internet growth in India is currently fuelled by the rural sector, with the urban user base starting to show signs of levelling out." Pai, V. (2017, 3 March). 37% of internet users in Dec '16 came from rural India: IAMAI. *Medianama.com*. www.medianama.com/2017/03/223-iamai-internet-india-2016-report; see also Mendonca, J. (2017, 28 July). 50% of India's internet users will be rural & 40% will be women by 2020: BCG. *Economic Times*. economictimes.indiatimes.com/small-biz/sme-sector/50-of-indias-internet-users-rural-40-will-be-women-by-2020-bcg/articleshow/59802340.cms

36 Krishnan, A. (2017, 27 March). Op. cit.

37 Centre for Communication and Development Studies. (2015). *Towards Digital Inclusion*. www.report2015.digitalequality.in

38 Ibid.

39 Ibid.

40 www.censusindia.gov.in/2011census/Disability_Data/DISAB04-0000.xlsx

41 <https://cis-india.org/telecom/knowledge-repository-on-internet-access/accessibility>

42 Sharma, D. (2017, 9 March). Why Does Mainstream Indian Discourse On Digital Inclusion Leave Out Disability? *The Wire*. www.thewire.in/133489/mainstream-indian-discourse-digital-inclusion-leave-disability/

43 Ibid.

moral effect of the cultural onslaught posed by the internet, specifically from dominant forms of content such as Hollywood or the Indian film industry, is rarely, if ever, addressed.⁴⁴

Intrusion on privacy through mass surveillance

The second aspect of the internet access debate stems from government surveillance initiatives. The government's touted Digital India⁴⁵ policy has led to the digitisation of numerous government services.⁴⁶ But in order to deliver the same, one of the key measures the government has pushed for is making a national ID mandatory to avail numerous essential services, from opening a bank account and filing income tax returns to using an ambulance.⁴⁷

The Aadhaar national ID system, mentioned above, has inherent privacy risks, as it asks for personal information that includes sensitive biometric details such as an iris scan, fingerprints and facial image.⁴⁸ Making the national ID mandatory without providing for a robust data protection framework is one of the precipitating factors that resulted in the massive illegal data disclosure affecting 130 to 135 million citizens.⁴⁹ As detailed in a recent 2017 report,⁵⁰ this illegal data disclosure resulted from government agencies (who are meant to be the custodians of the data) not treating Aadhaar and other personally identifiable information data as confidential, and instead wilfully and intentionally treating them as publicly shareable data.⁵¹

The government approach to Aadhaar has been non-transparent,⁵² arbitrary, non-inclusive and top-down: while initially promising it would be

voluntary,⁵³ the government then made it mandatory for a slew of services.⁵⁴

Cybercrime and security

As per official reports from the Indian Computer Emergency Response Team (CERT-in), there was one cybercrime in India every 10 minutes in the first six months of 2017, representing an increase from one cybercrime every 12 minutes in 2016.⁵⁵ While cybercrimes have gone up 300% in three years,⁵⁶ vulnerable groups like women⁵⁷ and children⁵⁸ have come under attack.

So while internet access in absolute numbers has undoubtedly increased, the imbalances in power between various stakeholders has meant a compromise in personal data security, an increase in online attacks against vulnerable groups, and the opening of the doors for government intrusion through mass unchecked surveillance.⁵⁹

Regional reflection

India falls under the Asia-Pacific region and has hosted one Asia Pacific Regional IGF⁶⁰ and one Youth IGF,⁶¹ both in 2014.

India does not have a functional national IGF yet,⁶² despite smaller neighbours like Afghanistan, Nepal, Bangladesh and Sri Lanka having already

44 Pew Research Center. (2015). *Internet Seen as Positive Influence on Education but Negative on Morality in Emerging and Developing Nations*. www.pewglobal.org/2015/03/19/internet-seen-as-positive-influence-on-education-but-negative-influence-on-morality-in-emerging-and-developing-nations

45 www.digitalindia.gov.in

46 www.digitalindia.gov.in/di-initiatives

47 Singh, K. (2017, 22 June). Where all is Aadhaar mandatory? *The Indian Express*. www.indianexpress.com/article/india/where-all-is-aadhaar-mandatory-4716584/

48 www.uidai.gov.in/component/fsf/?view=faq&catid=o&tmpl=component&faqid=215

49 Sinha, A., & Kodali, S. (2017). *Information Security Practices of Aadhaar (or lack thereof): A documentation of public availability of Aadhaar Numbers with sensitive personal financial information*. Bengaluru: Centre for Internet & Society. www.cis-india.org/internet-governance/information-security-practices-of-aadhaar-or-lack-thereof_at_download/file

50 Ibid.

51 Ibid.

52 Kumar, G. R. (2017, 29 March). Why Aadhaar bill tabled as the money bill. *The Hans India*. www.thehansindia.com/posts/index/Civil-Services/2017-03-29/Why-Aadhaar-bill-tabled-as-the-money-bill/289581

53 Mahapatra, D. (2015, 15 October). Aadhaar use will be voluntary, says government. *Times of India*. www.timesofindia.indiatimes.com/india/Aadhaar-use-will-be-voluntary-says-government/articleshow/49366557.cms

54 Singh, K. (2017, 22 June). Op. cit.

55 Kumar, C. (2017, 22 July). One cybercrime in India every 10 minutes. *The Economic Times*. www.economicstimes.indiatimes.com/tech/one-cybercrime-in-india-every-10-minutes/articleshow/59709601.cms

56 PTI. (2016, 25 August). Cybercrime in India up 300% in 3 years: Study. *The Economic Times*. www.economicstimes.indiatimes.com/tech/internet/cybercrime-in-india-up-300-in-3-years-study/articleshow/53858236.cms

57 In 2015, 13% of cyber crimes reported had targeted women. Nanjappa, V. (2015, 10 October). New wave of cyber crime against women in India. *Oneindia.com*. www.oneindia.com/india/new-wave-cyber-crime-against-women-1894591.html

58 Reliable figures are unavailable. However, a UNICEF study has shown that "cyber offences against children are spreading and diversifying as new methods are used to harass, abuse and exploit children." UNICEF. (2016). *Child Online Protection in India*. New Delhi: UNICEF. www.unicef.in/Uploads/Publications/Resources/pub_doc15.pdf

59 Mitra, D. (2017, 3 May). India Gears Up to Defend Internet Rights Regime as it Operationalises Mass Surveillance Project. *The Wire*. [www.india.blogs.nytimes.com/2013/07/10/how-surveillance-works-in-india/?mcubz=1](http://www.thewire.in/107292/india-mass-surveillance-project-cms; see also Prakash, P. (2013, 10 July). How Surveillance Works in India. <i>The New York Times India Ink</i>. <a href=)

60 Asia Pacific Regional Internet Governance Forum (APRIGF). (2014). *Summary Report*. www.aprifg.asia/documents/reports/Conference_Report_APRIGF_2014_Delhi.pdf

61 www.2014.rigf.asia/yigf

62 The last available report on IIGF was a recruitment post in 2015, and it is unclear if IIGF coordinating groups have actually begun functioning. www.meity.gov.in/writereaddata/files/Guidelines_IIGF_recruitment-%20%29.pdf

instituted national IGFs.⁶³ India took its first steps towards a national IGF when the Department of Electronics and Information Technology issued an order to constitute a Multistakeholder Advisory Group (MAG) for a national IGF in 2014.⁶⁴

Global IGF themes and concerns are definitely finding their way into regional policy spaces. For example, most of the key discussions from the 2008 IGF have been reflected on in the Asia Pacific Regional IGF (issues of cybersecurity, multilingualism and access to the internet for people with disabilities)⁶⁵ as well as at the Youth IGF 2014 (e.g. overcoming unequal access to the internet).⁶⁶

“Internet for All” achieved in letter and not spirit

While considerable strides have been made in terms of the absolute number of people accessing the internet, and the access target set at the Hyderabad IGF has been exceeded and not just met,⁶⁷ there is still an inclusivity gap and a digital divide between urban and rural India and the rich and poor, as well as in terms of gender and region.⁶⁸ This inclusivity gap is a direct result of the balance of decision making being tilted towards the government and industry, with civil society as a stakeholder being limited and restricted in the process. The imbalance in decision making has meant that commercial interests have taken precedence over the IGF’s core principles of inclusivity and a “bottom-up approach”.

There is also a clear lack of transparency in national policy-making processes, evidenced by the government launching India’s controversial mandatory national ID without adequate safeguards in place. Recently, the Supreme Court held that the right to privacy is a fundamental right,⁶⁹ and it therefore remains to be seen whether the mandatory nature of Aadhaar will be diluted.

Another disconcerting aspect is the fact that India does not yet have a national IGF, which highly restricts stakeholder participation.⁷⁰ Considering its

size, India should be taking a lead role among developing nations in order to voice its point of view.⁷¹

All of the above factors have meant that “Internet for All” has been achieved only in letter and not spirit.

Action steps

Civil society must focus on the following action steps in order to address the challenges detailed above:

- *Work towards the first national IGF:* The most urgent thing that civil society needs to focus on from the Indian standpoint is establishing national and local IGFs. This will mean local participation in local issues, and will encourage the discussion of internet governance issues transparently and openly. Already a MAG has been set up, but further energy and commitment are required to hold the event itself.
- *Independent data gathering:* Civil society must find means to gather independent data⁷² on all aspects of internet policy and access, distinct from government data, which can be misleading.⁷³ This is especially true in the case of tracking cybercrime statistics against children. Cybercrime statistics continue to focus predominantly on commercial online fraud, and cybercrime against children has not been included in the official National Crime Records Bureau statistics as a separate category.⁷⁴
- *Continue engaging courts:* With the government showing no signs of being inclusive, transparent or non-coercive, civil society must keep engaging the courts, where most of the recent human rights victories have come from, including the recent judgement of the Supreme Court of India that confirmed that the right to privacy is a fundamental right.⁷⁵ This in turn will have a direct impact in the coming months on the government’s tactics to impose mass surveillance through digital means.

63 www.intgovforum.org/multilingual/content/asia-pacific-regional-group

64 www.cis-india.org/internet-governance/blog/mag-order.pdf

65 Asia Pacific Regional Internet Governance Forum (APRIGF). (2014). Op cit., p. 4.

66 www.2014.rigf.asia/yigf

67 It was stated that for the world to increase internet users by one billion, India would have to contribute at least 250 million users. Third Meeting of the Internet Governance Forum (IGF). (2008). Op. cit., p. 3.

68 Centre for Communication and Development Studies. (2015). Op. cit.

69 *Justice K S Puttaswamy (Retd.) and anr. Vs Union of India and ors.* www.indiankanoon.org/doc/91938676

70 Sahdev, G. (2014). *Internet Governance and India – The Way Forward*. Delhi: Observer Research Foundation www.orfonline.org/cyfy-event/internet-governance-and-india-the-way-forward

71 Ibid.

72 DiploFoundation. (2006). *Role of Civil Society: Internet Governance and Developing Countries*. archive1.diplomacy.edu/pool/fileinline.php?IDPool=129

73 Krishnan, A. (2017, 27 March). Op. cit.

74 UNICEF. (2016). Op. cit., p. 6. That said, the reporting of cybercrimes has become easier. See Ministry of Women and Child Development. (2017, 23 June). Cyber crimes against children can now be reported at the POC SO e-Box. www.pib.nic.in/newsite/PrintRelease.aspx?relid=166857

75 *Justice K S Puttaswamy (Retd.) and anr. Vs Union of India and ors.* Op. cit.



Eurovisioni

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Introduction

Italy was one of the first countries to launch a national Internet Governance Forum (IGF), organising its first in 2008, two years after the first global IGF in Athens; but since then, its initial enthusiasm has lost momentum.

Historically Italy has been a forerunner in the development of the internet in Europe, and recently celebrated its 30th anniversary of the internet in the country. On 30 April 1986, an institute of the National Research Centre, the National University Computing Centre (CNUCE), connected to the ARPANET² network for the first time. Italy then became the fourth European country, after Norway, the United Kingdom and West Germany, to be connected.

But despite its early involvement in the internet, Italy has not been able to establish a sustainable, robust and structured national multistakeholder process to contribute to internet governance in the country. Competencies are still fragmented among various governmental bodies, and civil society, academia and the business sector have not been able to hold constructive and mutually beneficial dialogue on internet governance issues.

For these reasons, learning more about the Italian experience, its mistakes and its current problems, could be very useful for other countries that want to elaborate on a comprehensive and truly multistakeholder approach to internet governance.

Policy and political background

Since the beginning of the internet governance process at the World Summit on the Information Society (WSIS) in Geneva in 2003, Italy has changed government eight times (it has had four short-lived left-wing governments, three right-wing governments led by Silvio Berlusconi, and one interim government). Since the first global IGF in Athens in

2006, it has had six governments. This fast-changing political situation that rapidly brought opposite political views into power impacted on internet governance matters – it was not the best environment to build consensus on internet policy issues, or a constructive multistakeholder space for internet governance deliberations.³ If we add to that the fact that Berlusconi's government has always been hostile to the proliferation of internet access in Italian society,⁴ it is easy to see how internet governance issues have become completely irrelevant *vis-à-vis* domestic issues.

One key exception was during the debate over the Charter of Internet Rights promoted by the speaker of the Lower Chamber of the Parliament, Laura Boldrini. The debate lasted two years (2014-2016) under the leadership of Stefano Rodotà⁵ and concluded with the approval of the charter.⁶ Other exceptions have been legal actions following attempts by the government to censor the internet in one way or another.⁷ Apart from this, the debate on internet governance issues has never gone very deep and the question of the role of stakeholders has never really been the subject of public debate (with the only exception being the public consultation in 2015 on the draft text of the above-mentioned Charter of Internet Rights before its submission to a vote in the Parliament). Instead, internet governance has remained mainly confined in the hands of the technical community and a few other actors.

Regulations against online copyright infringement, child pornography, cyberbullying and unauthorised gambling have all included some form

3 The polarisation of the positions between successive governments has also affected the business sector and civil society. Only academia and the internet community have remained (relatively) immune from the phenomenon; but they have not been able to change the behaviours of the other stakeholders.

4 See previous GISWatch Italy reports at www.giswatch.org

5 Stefano Rodotà (30 May 1933 – 23 June 2017) was one of the most renowned Italian jurists and an expert on privacy and other internet rights. A member of the Italian parliament for decades, he was a candidate to be president of Italy in 2013.

6 www.camera.it/application/xmanager/projects/leg17/commissione_internet/testo_definitivo_inglese.pdf

7 One case involved wire-tapping (see: https://it.wikipedia.org/wiki/DDL_Intercettazioni) and the other cyberbullying (see: www.ilsole24ore.com/art/SoleOnline4/Tecnologia%20%20Business/2010/02/sentenza-google-privacy-giro-mondo.shtml?refresh_ce=1).

1 The authors thank Andrea Cairola for his support in their work.

2 <https://en.wikipedia.org/wiki/ARPANET>

of control placed on the internet and of cooperation among diverse stakeholders, but have not resulted in public debate on the importance of internet governance. There was no public debate even when the government's cybersecurity strategy was approved. Updated with the prime ministerial decree of 17 February 2017,⁸ the strategy aims at improving coordination among public cybersecurity organisations, at better involving the private sector, and at centralising the liaisons with international bodies such as the European Union (EU), NATO and the United Nations. The Ministry of Interior and the Ministry for Economic Development both have cybersecurity bodies sharing information with the private sector (limited to the very largest companies). Most businesses have no access to these cybersecurity bodies, and the main force driving their information security efforts are regulations such as the EU's General Data Protection Regulation (GDPR).

Unstructured engagement

By its nature, the internet is a transversal and disruptive technology. It is something that is very difficult to fit into a governmental structure, especially when highly specialised agencies tend to work in separate clusters. Initially, the various Italian governments tackled the internet governance issue by creating new structures within existing ones, but this has not worked. In 2012 – following the model suggested by the EU – an agency dealing with the country's digital agenda called Agenzia per l'Italia Digitale (AGID) was created under the Prime Minister's Office.⁹ It partially replaced various former bodies existing since 1993 that have changed their mission over the years – such as Agenzia Per L'informatica Nella Pubblica Amministrazione (AIPA), Centro Nazionale per l'Informatica nella Pubblica Amministrazione (CNIPA), and DigitPA. But the coordinating muscle granted to AGID has never been flexed, and so internet governance today still remains within the mandates of the Foreign Affairs Ministry, the Ministry of Economic Development, the Ministry of Education and Research, and a few other agencies and authorities.

Given this fragmentation of duties and responsibilities on the governmental side, the internet governance debate has remained confined mainly in the hands of the internet technical community: the Italian domain registry, Registro.it,¹⁰ and the Italian chapter of the Internet Society (ISOC).¹¹ However,

contrary to what happened in other countries, the representation within the Governmental Advisory Committee of the Internet Corporation for Assigned Names and Numbers (ICANN) has been taken over by the Prime Minister's Office and by the Ministry of Economic Development (MISE), and Registro.it is now totally excluded.¹²

The participation of public bodies in internet governance processes stops here: few in government systematically follow the IGF or WSIS processes, except the Italian diplomatic representation in Geneva (part of the Ministry of Foreign Affairs). But this has no connection with civil society and business stakeholders and very thin ties with the other ministerial bodies. The Italian government has also never applied for a seat in the Multistakeholder Advisory Group (MAG) of the global IGF. The only two Italians elected to the MAG since its inception have been representatives of business and media.

Individuals from Italian civil society and the business community participate in these two global processes, but because of the lack of a national coordination, they represent their constituencies, not the country.

The absence of debate on internet governance issues in the country reflects the isolation of the sectors from each other generally. The only existing tool to address internet governance in a multistakeholder environment is the national internet governance event, which kick-started in 2008. But the Italy IGF is an annual gathering, nothing more: a two-day event, with random preparation processes and with no follow-up.

The absence of ongoing structured platforms for dialogue – or of a democratic and transparent process within the Italy IGF itself – penalises the groups that are not in direct contact with the various fragmented centres of power that govern the Italian internet, including the national registry and AGID. In this kind of situation, there is a disconnect between high-level models imported from the global internet governance structures – which emphasise a bottom-up, multistakeholder approach – and the daily reality of the national internet governance debate in Italy.

Even the national business community is not active in this debate. Italian industry associations are dominated by traditional industries (automotive, construction, the banking sector, etc.) and have no interest in the internet governance debate at all. Furthermore, the Italian telecom sector is largely controlled by foreign capital: all the five largest operators are owned by foreign companies, potentially

8 www.gazzettaufficiale.it/eli/id/2017/04/18/17A02714/sg

9 www.agid.gov.it

10 www.nic.it/en

11 www.isoc.it

12 www.sviluppoeconomico.gov.it/index.php/en

limiting their willingness to work on the topic. The very active small and medium enterprise (SME) sector¹³ and the few innovative internet companies do not have enough resources (human or funding) to support or even to follow a costly, lengthy and expensive process that the internet governance debate is today.

The unstructured and sometimes hazardous approach to internet governance in Italy is exemplified by the national IGF. In the last nine years, the country has organised eight national IGFs: three in the capital, and five elsewhere across the country (Cagliari, Pisa, Trento, Torino and Venice).

The lack of resources (public or private) for the process makes it impossible to source grants to allow for the participation of the poorest organisations, to provide translation for international guests, to publish the proceedings and the documents of the IGF event, or even sometimes to build and maintain a proper and rich website for the national IGF.¹⁴

The financing and organisational model has changed practically every year since its foundation. Initially the responsibility of Registro.it and ISOC Italia, local administrations and the academic community then took over its organisation, with the last two events organised and funded by universities in the north of the country. (In 2014 and 2015 costs were covered by parliament).

The following cities have hosted the Italy IGF:

- 2016 – Venice (VIII)¹⁵
- 2015 – Rome (VII)¹⁶
- 2014 – Rome (VI)¹⁷
- 2012 – Torino (V)¹⁸
- 2011 – Trento (IV)¹⁹
- 2010 – Rome (III)²⁰
- 2009 – Pisa (II)²¹
- 2008 – Cagliari (I).²²

With the exception of the 2014 and 2015 events – which were held in the Italian parliament, focused on the Charter of Internet Rights debate mentioned above, and were organised by a group of parliamentary experts working on the charter – all the Italian IGFs have had no follow-up in the national political debate, and even less with regard to forming a national position for international forums where internet governance is discussed. Even the link between the Italy IGF and the European Dialogue on Internet Governance (EuroDIG)²³ is left to the good-will of a few individuals who participate in both processes; there is no structured reporting process or mechanism for planning or following the interaction between the Italy IGF and EuroDIG.

Processes in the Italy IGF also do not meet most of the criteria established by the IGF for National and Regional Initiatives (NRIs).²⁴ There are at least three criteria it does not meet. It lacks openness, primarily because the organising committee changes every year, which makes it very difficult for those who are not connected with the fragmented power centres of the Italian internet to become part of the game. It lacks transparency, including the absence of a website where information on each year's events can be accessed (this information is hosted on various organisations' websites instead). It is not "bottom up", because the programme, the speakers, the dates and the venue are decided by a small group of decision makers that change practically every year.

While it does meet two criteria, neither is due to any structured attempt to meet these criteria. It is multistakeholder: there are companies involved, and professors from universities – even if these are not "representative" of their communities in any formal sense, but participating through good will, and there remains a range of barriers that make it difficult to participate. Last but not least, the Italian IGF is not "commercial", because in this unstructured state it is impossible to find sponsors that will invest in it in the long run.

Regional reflection

The Italy IGF has always kept informal relations with EuroDIG as well as with the NRI Coordinators. In the absence of any official mandate, these informal relations are mainly the initiative of individuals. This means that the Italy IGF has no direct impact on the selection of EuroDIG topics put up for discussion. Nevertheless, topics raised at EuroDIG and the

13 The sector has recently been the focus of a law called "Start-up Italy" to incentivise new innovative companies.

14 The website for the Italy IGF 2011 does not exist anymore because it has been taken down by the public agency that hosted it.

15 www.isoc.it/archivio-igf-italia/igf-italia-2016

16 www.isoc.it/node/1066

17 www.isoc.it/node/1051

18 Held with the support of the Piedmont Region. www.isoc.it/Archivio/IGF%20Italia/IGF%20Italia%202012 and 2012.igf-italia.it

19 Held with the support of the Province of Trento. www.isoc.it/node/1048

20 www.isoc.it/node/1047

21 www.isoc.it/Archivio/IGF%20Italia/IGF%20Italia%202009#

22 www.isoc.it/node/1045

23 <https://www.eurodig.org>

24 www.intgovforum.org/multilingual/index.php?q=filedepot_download/3568/480

global IGF do impact on the thematic concerns of the national IGF.

All stakeholders participating in the Italy IGF agreed in principle in Venice in 2016 on the idea of strengthening the integration and interaction between the national, European and global forums when it comes to thematic topics. This goodwill has not yet been put into practice because of the organisational inconsistency at the national level. On top of this, the lack of resources often makes it impossible for Italy IGF organisers to attend the regional and global IGFs, unless they are funded by third parties or they pay for their participation themselves. This means that civil society, academia and small business representatives cannot attend EuroDIG or the global IGF, where, very often, the only Italians attending are those representing international or foreign organisations.

Conclusions

The preparatory work for the Italy IGF 2017 has started on a very promising note, with the academic community in charge – this year the host will be University of Bologna, which took over the organisation. A dedicated channel for collaboration has been created using Slack²⁵ and around 50 participants are already registered and participating in a collective effort to prepare the IGF, scheduled for 20 and 21 November. A dedicated website was launched one month before the event to ask participants to contribute to the programme.²⁶

Government and business representatives remain under-represented at the moment, but some of the criteria for an NRI are finally being met: transparency, openness and an equal footing for all constituencies. The only problem is that the imminent elections in Italy (in spring 2018) will probably distract the attention of politicians and institutions.

It is more than likely that we will have to wait until the next government is in place before we can put together a truly multistakeholder experience. Until then, the current fragmented situation will be perpetuated.

This fragmentation and the absence of structured dialogue among stakeholders is not only a problem for Italy, but is the case in many countries where there is little cooperation among the various stakeholders. As a result, the global internet governance debate is weakened through an absence of shared views and common goals.

Action steps

There is a strong movement in Italy, driven mainly by academia and civil society, trying to bring all stakeholders around the same table. The imminent elections make it very unlikely that this will be achieved immediately. Nevertheless, the proximity of the global IGF in Geneva this year could provide a boost to these efforts, and favour cooperation and dialogue. This is the primary interest of civil society, because in the absence of structured dialogue, government institutions will decide for the country at international forums on their own; and businesses will do the same in their international associations and initiatives.

Now the most urgent thing to be done is to create a positive movement, using the next Italy IGF and the Italian presence at the global IGF as catalysers for a national debate. The recent death of Stefano Rodotà, who has for many years been the most vocal and respected activist for human rights and the internet in Italy, could also be the pretext to gather all stakeholders around the same table, in a dialogue that could result in concrete engagement and a multistakeholder future for internet governance in the country.

²⁵ <https://igfitalia2017.slack.com>

²⁶ igfitalia2017.cirsfid.unibo.it/index.php/partecipa/consultazione-pubblica



Kenya ICT Action Network (KICTANet)

Grace Githaiga and Victor Kapiyo

www.kictanet.or.ke

Introduction

Kenya was among the first countries in Africa to host a national Internet Governance Forum (IGF) – and the Kenya IGF (KIGF), now in its 10th year, has been touted as one of the continent’s success stories.¹ Since 2008, the event has been convened by the Kenya ICT Action Network (KICTANet).

This report focuses on the evolution of the KIGF, how it is convened, its success and usefulness, as well as the approaches towards the involvement and engagement of stakeholders.

Like the global IGF, the KIGF is not a law-making or a binding process. Nevertheless, it remains quite influential. Over the years the KIGF has provided a platform for highlighting and articulating issues of concern, and changed and shaped debates on issues such as internet access, capacity building and human rights online.

Policy, economic and political background

The information and communications technology (ICT) sector is increasingly playing a key role in the country’s economy, given its contribution to the economy and the reliance of key sectors such as finance, education and governance on ICTs. This has been buttressed by the high penetration rates of mobile phones and the internet, which currently stand at 88.7% and 100.2%, respectively,² the highest in East Africa. The internet continues to play an instrumental role in expanding civic space, as the country has vibrant online communities on the major social networks.

Further, the country has enjoyed relative political stability and an open society that has

been encouraged by a new constitution adopted in 2010. This has also benefited discussions on internet policy, given the constitutional principle of “public participation” in decision making that has further opened up public policy spaces for all stakeholders. Despite resistance and suspicion between the various stakeholders, the multistakeholder model in ICT policy making, if properly implemented, remains a powerful and useful model for public consultation. Increasingly, the various stakeholder groups are getting more organised and are now capable of advancing convincing policy positions.

The Kenya IGF process

KICTANet is the convener of the KIGF, and has also hosted two editions of the sub-regional East Africa IGF. The Network aims to act as a catalyst for reform in the ICT sector in support of the national aim of ICT-enabled growth and development. Processes such as the KIGF continue to play a crucial role in increasing regional participation at the global IGF. Further, KICTANet was a key stakeholder member in organising and hosting the global IGF held in 2011 in Nairobi. In 2017, KICTANet convened the 10th KIGF, which is a significant milestone.

Engaging stakeholders – in and outside the conference room

Right from the start, the KIGF has brought together diverse stakeholders and voices to tackle the emerging challenges that face the internet landscape in the country. These stakeholders include academia, business, civil society, development partners, the government, media and the technical community. In recent years, the event has seen an increase in the participation of youth and students, with the first Youth IGF being held in July 2017 as part of the very first Kenya IGF Week.³ Other activities during the week included the Kenya School of Internet Governance (KeSIG),⁴ the launch of a new policy brief on internet shutdowns produced by

1 Internet Society. (2012, 5 November). First National Study of Internet Governance Arrangements in Kenya Detailed in New Internet Society Report. <https://www.internetsociety.org/wp-content/uploads/2017/08/IGF20Kenya20Study20Internet20Governance20110512.pdf>

2 Communications Authority of Kenya. (2017). Fourth Quarter Sector Statistics Report for the Financial Year 2016/2017 (April-June 2017). www.ca.go.ke/images/downloads/STATISTICS/Sector%20Statistics%20Report%20Q4%20%202016-17.pdf

3 kigf.or.ke

4 kigf.or.ke/kesig

KICTANet,⁵ and a Facebook event on hate speech in Kenya.⁶ All the events culminated in the 2017 KIGF.

In the face-to-face sessions at the KIGF, different stakeholders are represented in the key panels. A panel usually has a theme or a topic about which business, government, civil society and the technical community typically each give a sector perspective. The focus is usually to highlight the key concerns of each sector and then to explore the potential for collaboration and synergies. Sometimes the stakeholders differ in their perspectives and approaches, and very heated debates ensue.

The IGF is a multistakeholder event that is all-inclusive. However, due to both logistical and budgetary constraints, it is usually not possible to have everyone in the room. Therefore, remote participation is offered – and in 2017, for the first time, the event was broadcast on Facebook Live. Forum reports are produced, and media coverage is encouraged to ensure the wider reach of the discussions held during the event.

Previously, the youth were not actively involved in internet governance discussions, but the first Youth KIGF in 2017 enabled young people to meet and debate key concerns affecting them online. These were later presented in a report to the main KIGF plenary, where the youth spoke about the use of technology in schools, and the lack of capacity in state agencies to address violations of young people that occur online. It was also highlighted that some youth still lacked the skills needed to utilise online tools.

Further, representatives of marginalised groups such as people with disabilities, youth and women are involved in the moderation of sessions, report writing and as speakers at the KIGF. By and large, all stakeholders are usually invited, even though not all turn up.

In Kenya, the gender question is not as prominent as it might be in other countries, despite the post-2010 constitutional imperatives to be inclusive and non-discriminatory. Consequently, deliberate steps are usually taken at the KIGF to bridge the divide by ensuring that gender issues are discussed and a gender balance is maintained, not only in terms of participation but also in the composition of panels.

The KIGF has focused on addressing the needs of minorities and marginalised groups. The theme

of access to and affordability of internet connectivity has featured consistently across various forums. The need for inclusion is also what informed the launch of the Youth IGF.

Selecting topics, building capacity

The KIGF usually crowdsources topics of concern in the country every year. These are then framed in such a way that they correspond as much as possible with the global IGF topics for a particular year. The idea of having a Kenyan annual theme in line with the global IGF theme, but at the same time taking into account the local context, is in the spirit of thinking globally, but acting locally.

Once five topics for each day are agreed on, a five-day-long moderated e-discussion and debate follows, two weeks before the KIGF. This is usually conducted on multiple email platforms as well as on social media. The email lists include those run by KICTANet, the Kenyan chapter of Internet Society,⁷ and Skunkworks (a listserv for techies).⁸ The discussions allow the online community and all stakeholders to engage online on the framed issues and present their concerns and recommendations for consideration at the KIGF. This affords those who are not in a position to make it to the face-to-face meeting or to participate remotely to give their views as well as get perspectives from other stakeholders. At the conclusion of the stated period, a report of the e-discussions is prepared and is usually presented during the annual face-to-face KIGF meeting, allowing stakeholders to engage on the issues further.

Shifting power

The power dynamics in the KIGF have been changing since the first KIGF. What is worth noting is that the earlier KIGFs were smaller events, with high-level representatives from various stakeholder groups participating. As the event becomes more mainstream, more groups have been included and are actively participating. During the shift towards making the event more accessible and participatory, some of the key or influential individuals within the sector stayed away from the event under the guise of giving space to new voices. However, they are now slowly returning to share their expertise and wealth of knowledge with the younger participants eager to learn and participate in internet governance.

Some of the strong competitors in the ICT sector are usually not keen on sharing platforms or

5 KICTANet. (2017). *Building trust between the state and citizens: A policy brief on internet shutdowns and elections in Kenya*. https://www.kictanet.or.ke/?sdm_downloads=kenya-policy-brief-on-internet-shutdowns

6 Gichanga, M. (2017, 17 July). Facebook Open House KE. *KICTANet*. <https://www.kictanet.or.ke/?p=26925>

7 <https://internetsociety.or.ke> and <https://www.facebook.com/ISOCKenyaChapter>

8 mailman-prod.my.co.ke/cgi-bin/mailman/listinfo/skunkworks

supporting events such as the KIGF, and this can have negative impacts not only on the quality of discussions, but also on sourcing funding for the forums, as they are potential key contributors. Moreover, the industry regulator, despite being more approachable, usually does not want to appear to be taking away the spotlight from the ICT Ministry.

Nevertheless, the government of Kenya has consistently participated, and this is exceptional considering that some cabinet secretaries have been viewed as hostile to some members of the internet community, in particular civil society. These same cabinet members have been seen to favour the private sector more than other sectors.

Regional reflection

The importance of the IGF in the region is evident in the fact that the national IGFs continue to have strong links with the regional and global IGFs, and have gained traction and relevance within each country since they were first held. The East Africa IGF (EAIGF) is held regularly on a rotational basis among the five East African states and has been convened annually since the inaugural event in 2009 in Kenya. During each EAIGF the theme of the global IGF is customised and localised to fit the needs and priorities of the countries and the region. Thereafter, the discussions are collated to allow feedback and sharing from the various countries at the EAIGF. Further, the thematic sessions which draw representation from each country are designed to allow countries to present reports of the discussions from their national IGFs. This feedback is also summarised and presented at the Africa IGF.

In East Africa, the EAIGF has proven to be a unique multistakeholder environment for information sharing, constructive dialogue and open exchange of ideas on internet governance. Unfortunately, it was not convened in 2016 and 2017 due to challenges in meeting the financial and logistical costs of hosting the event.

Conclusions

The KIGF has emerged as a platform that highlights key issues that need policy intervention. In this regard, it has been viewed as a platform where stakeholders can engage equally. Since its inception, the forum has endeavoured to bring the different stakeholders together.

The forum's experience shows that it is important for all stakeholders to be included in the planning and execution of the national IGF. This

can be achieved through an open call to form the multistakeholder advisory groups to coordinate the event. This means that the different stakeholder groups should have representatives who also contribute to shaping the IGF programme, and help securing the best speakers that are suited for the selected topics.

The multistakeholder approach has encouraged a similar approach to internet policy making in Kenya. A case in point is the ICT policy review of 2016,⁹ where different stakeholders were tasked with managing the finalisation of different sections of the review.

National IGFs should focus on topics of national concern while keeping the global theme in mind. This focus on local issues stands a better chance of influencing policy on internet governance. Further, local stakeholders stand to make a difference through engaging with the government as well as different members of the ICT community in discussions. It is also important to have remote participation facilities to allow those who cannot attend the face-to-face meetings to follow and contribute to the event.

Action steps

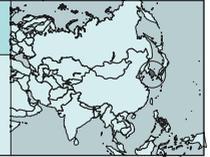
As we move into the future, civil society should:

- Actively involve and include non-traditional internet stakeholders who impact on or are affected by internet policy decisions, such as mainstream human rights organisations, the health sector, the financial sector, agriculture and manufacturing.
- Encourage governments and the business community not only to participate, but also to continue supporting national and regional IGFs.
- Work with other stakeholders to ensure the continuity of discussions throughout the year, instead of squeezing everything into a one-day annual event.
- Improve the dissemination of information about the IGF and the results of discussions held at the forum to other stakeholders, in order to close the feedback loop. For example, this should be done by ensuring that when views are submitted to the government, they are reviewed and responded to, and those responses are also shared widely. There should be continuous engagement and follow-up on key issues.

⁹ icta.go.ke/pdf/National-ICT-Policy-20June2016.pdf

KOREA, REPUBLIC OF

HOW CAN THE NATIONAL IGF CONTRIBUTE TO THE COUNTRY'S INTERNET POLICY PROCESS?



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Introduction

On 15 September 2017, the 6th South Korea Internet Governance Forum (KrIGF) was held at Sejong University.¹ The KrIGF is hosted by the Korea Internet Governance Alliance (KIGA),² a multistakeholder internet governance body. The KrIGF is planned by a multistakeholder programme committee, and co-organised by 19 organisations including public institutions, private companies, and civil society organisations.

While the KrIGF is prepared by a multistakeholder community including public institutions, it is not yet certain how much impact it has had on internet policies. Although the global IGF has been criticised as being only a talk show without any tangible results,³ some argue that it has a soft power, the “power of bringing issues to the fore to be discussed by all stakeholders.”⁴ It has also been making an effort to strengthen intersessional work and produce outcomes through the Best Practice Forums,⁵ Dynamic Coalitions⁶ and Policy Options for Connecting and Enabling the Next Billion(s).⁷ This sort of intersessional engagement by the KrIGF is absent – even though it is engagement that KIGA, as a multistakeholder body, is meant to encourage.

In this report, I examine the brief history of and challenges faced by KIGA and the KrIGF, and propose what should be done in order to create a space

where multiple stakeholders can meaningfully participate in forming public policies on the internet.

Policy and political background

The governance of critical internet resources in South Korea was initially performed by an operation centre within the System Development Network, the first IPv4 network in South Korea, developed in May 1982. As it became necessary to create a formal structure on network governance, the Academic Network Council was established in 1991. It later evolved into the Korea Network Council (KNC) in 1995, as commercial internet service providers (ISPs) began their operations in the country. The Korea Network Information Centre (KRNIC)⁸ was created in 1993 to handle IPv4 addresses and the country code top level domain ccTLD, .kr. The KRNIC, which had operated as part of the National Computerisation Agency, became an independent organisation in 1999, and the KNC was renamed the Names and Numbers Committee (NNC). Some members of civil society also began to participate in the governance of critical internet resources at this time.⁹ The composition and operation of NNC was autonomous – although the government had some influence – and could be considered a multistakeholder model, though the term was not used then.

However, the internet governance structure in Korea was changed to a top-down model after the government enacted the Internet Address Resources Act in 2004.¹⁰ The new law created a new governing body, the Internet Address Policy Deliberation Committee,¹¹ under the control of the Ministry of Information and Communication, to deliberate on policies to do with internet address resources. The members of the committee were appointed by the minister. The KRNIC was absorbed by a new government agency, the National Internet Development Agency, which later merged with other government agencies to become the Korea Internet and Security Agency (KISA) in 2009. From 2006 onward, a period

1 www.krifg.kr

2 www.kiga.or.kr

3 Kurbalija, J. (2016). *An Introduction to Internet Governance: 7th edition*. DiploFoundation. <https://www.diplomacy.edu/resources/books/introduction-internet-governance>

4 Masango, C. (2008). The Internet Governance Forum: Its Development, Function and Future. In W. Benedek, V. Bauer, & M. C. Kettmann (Eds.), *Internet Governance and the Information Society: Global Perspectives and European Dimensions*. Eleven International Publishing.

5 www.intgovforum.org/multilingual/content/best-practice-forums-6

6 www.intgovforum.org/multilingual/content/dynamic-coalitions-4

7 www.intgovforum.org/multilingual/content/igf-policy-options-for-connecting-and-enabling-the-next-billions

8 The KRNIC is responsible for the management of address resources, while the KNC is a governance body that decides related policies.

9 <https://sites.google.com/site/internethistoryasia/book3>

10 www.law.go.kr/eng/engLsSc.do?menuId=1&query=internet+address&x=0&y=0#liBgcolor1

11 krnic.kr/jsp/notice/committee.jsp

which I call the “blank period” took hold – there was no space for the voluntary participation of non-governmental stakeholders, a phase which continued until around 2009.

Establishment of the KIGA

In 2009, when the government organised a consultative committee called the Internet Development Association, the past members of the NNC were also invited as members of a subcommittee, the Internet Address Policy Forum. In 2012, a new consultative committee, the KIGA, was organised with several subcommittees including the Address Infrastructure Subcommittee. As these consultative committees were not formed because of a legal prerequisite, they were created and disbanded according to the needs of government officials. Members were also in general appointed by the government.

Participation in the Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial), which was held on 23 and 24 April 2014 in São Paulo, Brazil,¹² and the case of CGI.br, the multistakeholder internet governance body of Brazil, served as momentum for Korean stakeholders to organise a new governance structure based on the bottom-up process and multistakeholder model. Several members from civil society and academia, as well as government officials, attended the NETmundial event, and after the meeting they discussed the need to organise an internet governance body in a different way from the past.

The members of the new KIGA were not appointed by the government, but were volunteers. After a few preparatory meetings, the new KIGA was launched on 13 November 2014. The steering committee was composed of different stakeholders drawn from public institutions, the private sector, academia, the technical community and civil society. Currently there are 29 steering committee members.¹³

KIGA hosts KrIGF

There was an event that was called the KrIGF, hosted by the former KIGA, in 2012 and 2013. However, it was led by the KISA, a government agency. The 2014 KrIGF – which had been proposed by civil society, academia and the private sector, with the KISA later joining as a co-host organisation – was different. The 2014 KrIGF was held on 4 July, soon after the NETmundial meeting. About 70 people attended. The purpose was to discuss how to establish a

multistakeholder governance body in South Korea. The main theme of the event was “internet governance through participation and cooperation”.¹⁴

Since 2015, and after its relaunch, the KIGA has been hosting the KrIGF every year. The KrIGF is co-organised by a lot of organisations including public institutions like the KISA, private companies and civil society organisations. The 2017 KrIGF (the 6th KrIGF since 2012) was held on 15 September at Sejong University. Nineteen organisations joined as co-organisers, and 11 organisations including the Ministry of Science and ICT, several private companies and community media organisations supported it as sponsors, not only politically, but also financially. The KrIGF is a one-day event at the moment, but has three or four simultaneous tracks dealing with various issues on ICT policy and internet governance, including cybersecurity, critical internet resources, human rights and net neutrality, making it similar to global and regional IGFs.

The KrIGF programme committee is set up every year as a subcommittee of the KIGA. It is composed of about 15 persons from different sectors that plan the overall programme of the event with the support of the KIGA secretariat and the KISA.

Several months before the event, a request for proposals for workshops is released to the public, and proposed workshops are evaluated in a similar way to the global IGF workshop selection process. Currently most of the workshops are proposed by members of the programme committee or KIGA steering committee – in other words, those who are well aware of the KrIGF. The programme committee is trying to hold workshops on emerging issues to attract a wider audience to the 2017 event, including “Google tax”, fake news, and cybersecurity using blockchain technology. Other than workshops, there is an opening ceremony, where one representative from each stakeholder group delivers an opening speech, as well as tutorial or lecture sessions which deal with basic concepts and/or specific topics such as the IGF and the Internet Corporation for Assigned Names and Numbers (ICANN), or artificial intelligence and blockchain technology.

Challenges

How much impact does the KrIGF have on the policy-making process? Not so much, yet. Part of the reason is that there are many alternatives for discussing internet governance in South Korea. There are so many discussion forums and workshops other than the KrIGF, held all through the year on various ICT policy issues, and hosted by different

¹² netmundial.br

¹³ en.kiga.or.kr/en/front/content/contentViewer.do?contentId=CONTENT_0000315

¹⁴ igf.or.kr/krigf-2014

organisations. One can attend almost any workshop anytime if you have the interest and on almost any topic – especially in a small country like South Korea, where you can travel to the other side of the country in half a day. The KrIGF is also not the only forum for multistakeholder dialogue, as many other events also invite various stakeholders as panellists. Moreover, the global and regional IGFs have value as a space for participants from different countries to forge relationships and communicate with each other – a value lost in the national IGF, at least in the KrIGF.

So, if the KrIGF is to have sustainable impact, and not just be a one-off event held every year, it needs to be different from other events. In the same way that the global IGF is making efforts to foster intersessional activities, the KrIGF needs to be closely linked to the activities of the KIGA, allowing stakeholders an opportunity to engage in the policy-making process. For example, the outcomes of KIGA subcommittees and working groups during the intersessional period could be presented at one of the KrIGF workshops, to gather opinions from the public attending the IGF.

The premise of the scenario above is that the KIGA would perform its role as an internet governance body as it was intended to do from the start, and should be recognised by the government as such. However, the current status of the KIGA is not so stable in terms of its legal, political and financial profile. As mentioned above, provision for the KIGA is not made in law, similar to many other internet governance bodies in other countries. While a government official endorsed the KIGA at the time of its establishment, the official who is responsible for internet governance in the ministry changed, ushering in a shift in attention and support, which now varies depending on who is in that position. If the KIGA is not being recognised as a governance body by the government, limiting its role in the policy-making process, then we cannot expect active participation from non-governmental stakeholders. At present, the KIGA is having trouble getting more stakeholders involved. Although the government has provided some human and financial support to the KIGA through the KISA, its financial status is unstable and not independent.

Revision of the Internet Address Resources Act

The KIGA conducted a wide evaluation of past internet governance practices with regard to managing internet address resources and presented the report in a workshop at the 2016 KrIGF.¹⁵ Based on the

evaluation, the KIGA is looking for a way to change the Internet Address Resources Act to promote multistakeholder internet governance. The KIGA set up a working group to discuss the matter, drafted a revised bill and presented it in a workshop at the 2017 KrIGF.¹⁶ It will later propose the bill in the National Assembly.

The core change in the bill replaces the current Internet Address Policy Deliberation Committee with a new autonomous governance body on internet address resources – the so-called Internet Address Committee – whose members are elected through a bottom-up process. While the government will have the final responsibility for managing internet address resources in the public interest, policy making would be delegated to the governance body in which the government will also participate as a stakeholder. The KRNIC would also be separated from the KISA – as it was until 2004 – and operate according to the policy of the governance body. Yet it is not certain that the bill will be passed in the National Assembly. Government consent on the bill is critically important and the KIGA will consult with the government before proposing it.

Regional reflection

The format and preparation process of the KrIGF is very similar to that of regional and global IGFs, although there are some local adaptations. In that respect, regional and global IGFs have influenced the KrIGF. However, while the theme and topics of the KrIGF are not so different from those of the Asia Pacific Regional IGF (APrIGF) and global IGF, the national concerns of the KrIGF are not reflected in the regional or global agenda. The KrIGF has usually been held later than the APrIGF. Some members of the KIGA have attended and proposed workshops at the APrIGF and global IGF, but in general, Korean participants are not so active in the IGF community and other forums on internet public policy such as ICANN or the Global Conference on Cyberspace.¹⁷ This is not just because of the language barrier, but because the pool of people voluntarily participating in internet governance is limited and therefore lacks experience, despite the fact that there are many who have capacity and expertise on internet policy. In the evaluation report mentioned above, the KIGA concluded that past top-down approaches dampened voluntary participation and reduced the pool of those who would be interested in internet governance. To address this, the KIGA has set up a working group and is trying to hold a school on

¹⁵ igf.or.kr/849

¹⁶ igf.or.kr/1359

¹⁷ <https://gccs2017.in>

internet governance (KrSIG),¹⁸ while the KISA runs a similar capacity-building event called the Asia Pacific Internet Governance Academy (APIGA)¹⁹ in cooperation with ICANN to nurture the younger generation in the Asia Pacific region.

Conclusions

In the global policy space, where there is no global government, the role of the IGF as a space to raise critical issues between different stakeholders and create norms is very important. But in the national context, where there is a government and a National Assembly, and there are many other spaces to raise issues and exchange ideas, the role of the national IGF is different. The national IGF needs to find a way to link its outcomes to the national policy-making process or regional and global policy spaces. In the case of South Korea, the KrIGF is connected to the KIGA, and Korean stakeholders have been trying to make the KIGA a practical internet governance body.

Although the KIGA's main policy area is the management of internet addresses, its members hope that the multistakeholder model they have started will spread, not only to other internet policy processes, but to public policy in general. Koreans, including government officials, are not accustomed to the multistakeholder model and its principles, because the government has taken the initiative in policy making historically. There is not even a proper translation of "multistakeholder" in Korean. While it is true that

there is a growing tendency to involve various stakeholders in the policy-making process, there are many limitations to the Korean system, such as selective appointment of consultative committee members by the government, as we can see from the history of internet governance in South Korea. In this regard, the success of the KIGA could be a best practice for other public policy areas to emulate.

Action steps

The following action steps are suggested for South Korea:

- Members from civil society have actively engaged in national internet governance since 2000, and need to continue their engagement. In particular, we need to stimulate the interest of young people from civil society and, through education and public awareness, encourage them to participate in internet governance.
- The revision of the Internet Address Resources Act is critical to promote multistakeholder internet governance in South Korea. We need to push for the revised bill to be passed in the National Assembly.
- There is a need to raise awareness of the benefits of the multistakeholder model among stakeholders, including government officials. Both the KrIGF and the KrSIG offer a good opportunity for this.

¹⁸ <https://sites.google.com/site/krsigkr/home>

¹⁹ <https://community.icann.org/display/GSEAPAC/Asia+Pacific+Internet+Governance+Academy+%28APIGA%29+2017>

MALAWI AND MOZAMBIQUE

A TALE OF TWO NEIGHBOURS: NATIONAL IGFS IN MOZAMBIQUE AND MALAWI



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Introduction

The Malawi Internet Governance Forum (IGF) and the Mozambique Smart Dialogue on Internet Governance were both launched in July 2014 as part of a programme to promote internet governance in Southern Africa. This report compares and contrasts the way in which the two forums came about, the evolution of internet governance processes in the two countries, and the possible impact that the two forums have had.

Policy, economic and political background

Although Malawi and Mozambique share a border, the two countries have significant differences as summarised in Table 1.

Malawi obtained independence in 1964 and was a one-party state for 30 years, whereas Mozambique obtained independence in 1975 after a 10-year war. From 1977 to 1992 there was civil war in Mozambique, mostly due to tensions between the one-party government and the opposition. Similar to Malawi, Mozambique had its first democratic elections in 1994.

Other similarities between the two countries can be seen in their emphasis on agriculture, which contributes 20% of Mozambique's gross domestic product (GDP) and close to 30% of Malawi's GDP. With regard to information and communications technologies (ICTs), the indicators in Table 2 show that both countries are lagging in internet penetration.

The policy and legal environment as it relates to ICTs in both countries still needs strengthening. Malawi's "National ICT Policy: An ICT-led Malawi"¹ was finalised in 2013,² focusing on IT,

TABLE 1.

Background information on Malawi and Mozambique

Attribute	Malawi	Mozambique
Colonial history	British (independence in 1964)	Portuguese (independence in 1975)
Population*	18 million	29 million
Geographical location	Land-locked	Coastal
Land area**	118 sq. km	802 sq. km

* <https://esa.un.org/unpd/wpp>. ** www.nationsencyclopedia.com

TABLE 2.

ICT indicators for Malawi and Mozambique

Statistic	Malawi	Mozambique
Internet penetration*	9%	9%
Mobile broadband penetration*	16%	9%
Fixed-line broadband*	0.0%	0.1%
International Telecommunication Union (ITU) ICT Development Index (2016)*	168/175	163/175
World Economic Forum (WEF) Networked Readiness Index (2016)**	132/139	123/139

* <https://www.itu.int/net4/ITU-D/idi/2016> ** www3.weforum.org/docs/GITR2016/WEF_GITR_Malawi_2016.pdf and www3.weforum.org/docs/GITR2016/WEF_GITR_Mozambique_2016.pdf

1 www.ict.gov.mw/index.php/resource-docs/policies/file/24-national-ict-policy

2 The process started in 1999 as part of the UN Economic Commission for Africa's Africa Information Society Initiative (AIS). See: <https://www.uneca.org/publications/african-information-society-initiative-aisi-decade%E2%80%9995-perspective>

telecommunications, broadcasting and postal services and prioritising the integration of ICT in all sectors and the provision of ICT services to rural areas. The Policy has 10 broad themes and 38 policy statements; eight of the statements relate to universal access to ICT and ICT services, underscoring the importance placed on (rural) access. The policy, among other things, called for the establishment of a national ICT steering group “to provide oversight and leadership on Sector ICT Strategy formulation and implementation” – this has evolved into the National ICT Working Group (NICTWG). The policy also called for transformation of the Department of e-Government into the Malawi Information Technology Agency, but this has yet to materialise. Subsequent policy and legislative initiatives include:

- National ICT Master Plan 2014-2031, which outlines the implementation strategy of the national ICT policy.³
- Digital Broadcasting Policy (2013-2018), developed to provide a framework for the transition of broadcasting from analogue to digital terrestrial television broadcasting.⁴
- Electronic Transactions Act (Oct 2016), which among other things makes provision for electronic transactions and for the establishment and functions of the Malawi Computer Emergency Response Team (MCERT).⁵
- (Revised) Communications Act (2016) replacing the 1998 Act, focusing on convergence, technology neutrality and aiming to stimulate local investment and participation in the communications sector.⁶
- Draft national cybersecurity strategy, which was validated in March 2017.

Mozambique’s ICT Policy (*Política de Informática*)⁷ was drafted in 2000⁸ and aimed to “provide a reference framework for the harmonious and sustainable development of the Information Society in Mozambique.” It was followed in 2002 by the

ICT Policy Implementation Strategy (*Estratégia de Implementação da Política de Informática*).⁹ Some of the subsequent policy and legislative initiatives include:

- E-Government Strategy 2006¹⁰
- Consultations to review the 2004 Telecommunications Act in 2013
- Electronic Transactions Act of 2017¹¹
- Draft cybersecurity strategy in 2017.¹²

Building and sustaining an internet governance agenda

Following the launch of the Southern Africa IGF (SAIGF) and in line with the Oliver Tambo Declaration¹³ by African ministers responsible for ICTs, the Southern African Development Community (SADC) ICT ministers called for all member states in the region to establish IGFs. At the time, Tanzania was the only member state with an IGF, by virtue of its membership in the East African Community. The NEPAD Agency,¹⁴ as part of its internet governance programme, undertook to help establish national IGFs in SADC member states. Malawi and Mozambique were selected on the basis of stakeholder willingness, and were the first IGFs to be held in Southern Africa.

In Malawi, the main stakeholder was the National ICT Working Group (NICTWG), which is a multistakeholder group initiated by the Ministry of ICT’s Department of E-Government¹⁵ to advise the government on issues pertaining to ICT development. As such it was easy to get buy-in from key stakeholders and Malawi further reinforced its commitment by agreeing to host the 2014 SAIGF.

In Mozambique, the Science, Innovation and Information and Communication Research Institute (SIITRI)¹⁶ was identified as the entry point for launching the national IGF, based on its linkage with government stakeholders¹⁷ and

3 www.ict.gov.mw/index.php/resource-docs/policies/file/1-national-ict-master-plan

4 www.ict.gov.mw/index.php/resource-docs/policies/file/22-malawi-digital-broadcasting-policy

5 www.ict.gov.mw/index.php/resource-docs/policies/file/5-electronic-transactions-act

6 www.ict.gov.mw/index.php/resource-docs/policies/file/4-communications-act

7 www.portaldogoverno.gov.mz/por/content/download/1431/12112/version/1/file/Estrat%C3%A9gia+Pol%C3%A9tica+de+Inform%C3%A1tica.pdf

8 Similar to the case of Malawi, this policy was developed through the Africa Information Society Initiative (AISII).

9 www.portaldogoverno.gov.mz/por/content/download/1432/12117/version/1/file/Estrat%C3%A9gia+de+Implementa%C3%A7%C3%A3o+Pol%C3%ADtica+de+Inform%C3%A1tica.pdf

10 www.portaldogoverno.gov.mz/por/content/download/1430/12107/version/1/file/Estrategia+do+Governo+Eletr%C3%B3nico-Mocambique.pdf

11 www.portaldogoverno.gov.mz/por/content/download/7051/51882/version/1/file/LEI_DE_TRANSACCIONES_ELECTRONICAS.pdf

12 www.ciberseguranca.org.mz

13 https://www.researchictafrica.net/multistake//African_Union_2009_-_Oliver_Tambo_Declaration.pdf

14 www.nepad.org

15 www.ict.gov.mw/index.php/departments/e-government

16 www.siitri.ac.mz

17 The founder of SIITRI, Prof. Venancio Massingue (who passed away in February 2017), was a former Minister of Science and Technology in Mozambique.

its involvement with the Alliance for Affordable Internet,¹⁸ which at the time was in the process of organising its first multistakeholder forum in Mozambique. Consultations were held by the NEPAD Agency with government entities in both countries to ensure a common understanding of and support for both launch events.

While Malawi chose to retain the name Internet Governance Forum for its event, Mozambique opted for Smart Dialogue on Internet Governance (SDIG), similar to the European Dialogue on Internet Governance (EuroDIG). Anecdotal evidence suggests that at the time, there was some discomfort with the understanding of a “forum” as being an institutional structure that would require formalised approvals for its establishment, whereas a dialogue was easily understood.

In Malawi, a charter was drafted and adopted at the launch event on 14 July 2014. It is a one-page document that outlines the aims and objectives of the forum, how it will be organised and managed, and what activities it will engage in to accomplish its objectives. The charter was drafted through a consultative process and managed to articulate essential elements simply and in language that suited the different stakeholder groups; it could serve as a useful reference for other IGFs in the region or continent.

The agenda for the inaugural IGF was largely based on the global IGF agenda with some additional agenda items suited to the local environment. The agenda also focused on the operational aspects of the forum (the charter, communication, secretariat, sustainability). The launch was graced by the Permanent Secretary for E-Government (Government of Malawi) and was well attended.

The Mozambique launch agenda was very contextualised to the local environment and the event was attended by a cross-section of stakeholders, mostly from academia and the private sector. Examples of “local” issues discussed at the SDIG include participative management of the internet and its critical resources; local content creation, dissemination and use; and models to provide internet to rural communities.

In April 2015, both Malawi and Mozambique sent representatives to a workshop aimed at developing capacity in the organising of national IGFs; the workshop also discussed and endorsed the

terms of reference of the SAIGF Multistakeholder Coordinating Team. Both countries did not hold national IGFs in 2015 and 2016, due to resource constraints. However, there were a number of developments related to the ICT and internet space. In Malawi, the Electronic Transactions Act and the revised Communications Act were passed in 2016.

Aside from resource constraints, anecdotal evidence indicates that Mozambique's SDIG suffered from a lack of properly instituted multistakeholder processes for its operationalisation. The Dialogue was also overtaken by other processes such as the Maputo Internet Forum and the Alliance for Affordable Internet's Multistakeholder Coalition. The first Maputo Internet Forum was held in October 2015,¹⁹ the second in September 2016,²⁰ and the third in October 2017.²¹ This Forum is modelled after the Stockholm Internet Forum, and the Mozambique events focused on issues of internet access, security, privacy and freedom, and internet governance. The Maputo Internet Forum appears to have engaged a more diverse cross-section of actors than the SDIG, including government officials and parliamentarians. The Alliance for Affordable Internet has also continued with its multistakeholder coalition focusing on three issues: infrastructure sharing and open access, taxation, and ICT data. In 2017, Mozambique drafted a cybersecurity strategy, and in its submission to the ITU Council Working Group on International Internet-related Public Policy Issues (ITU CWG-Internet) in January 2017, it made mention that it had plans to launch a national IGF (further reinforcing the observation that the July 2014 Dialogue had not attained legitimacy).²²

Malawi held its second national IGF in September 2017 with the full support of the Ministry of ICT, the NICTWG and the ICT Association of Malawi (ICTAM).²³

Regional reflection

The Malawi IGF is well connected to the SAIGF and this is in part because Malawi hosted the 2014 SAIGF. There are also linkages with the African IGF (AfIGF): in 2016, the minister responsible for ICTs and his

¹⁸ The Alliance for Affordable Internet (A4AI) (www.a4ai.org) is a global multistakeholder coalition working to enable affordable access to the Internet. A4AI works through local coordinators and multistakeholder coalitions (government, private sector, academia, civil society) to identify areas for policy and/or regulatory intervention that can foster more affordable access.

¹⁹ www.swedenabroad.com/en-GB/Embassies/Maputo/Current-affairs/News/Maputo-Internet-Forum-sys1

²⁰ www.swedenabroad.com/Pages/StandardPage.aspx?id=110832&epslanguage=en-GB

²¹ www.swedenabroad.com/en-GB/Embassies/Maputo/Current-affairs/News/Maputo-Internet-Forum--sys

²² According to the national regulator, Instituto Nacional das Comunicações de Moçambique (INCM), consultations were held in 2016 on the establishment of a national IGF for Mozambique. www.incm.gov.mz/forum-de-governacao-na-forja

²³ ICTAM is an umbrella body for ICT professionals in Malawi. <https://www.ictam.org.mw>

deputy attended the AfIGF held in Durban. The minister also attended the global IGF in Mexico in 2016.

Mozambique, as a member of the SADC, is also linked to the SAIGF, although it is not clear to what extent there is actual participation in the SAIGF.

In both countries, participation is more likely to be at government official level; private sector participation is noticeably lacking, and participation from academia or civil society is through project travel support and grants.

There is little evidence that discussions at the global IGF have an impact on national processes in the two countries. There are no mechanisms to follow or contribute to the preparatory processes of the global IGF and there is little to no participation (either in-situ or remotely) by local stakeholders in the global IGF. On the other hand, both countries participate in intergovernmental ICT and telecommunications discourse such as at the ITU and the Commonwealth Telecommunications Organisation²⁴ (in the case of Malawi); national processes therefore tend to be more aligned to these government-led processes.

Conclusions

In comparing the two countries and how the national IGFs evolved (or not), there are several lessons to take away. The first is the all-important notion of multistakeholder engagement and buy-in. The national IGF in Malawi has survived due to the existence of such a structure, whereas in Mozambique the national IGF failed to get traction. Also, in Mozambique a number of other multistakeholder processes emerged (the Maputo Internet Forum and the Alliance for Affordable Internet), which on the one hand might have made a national IGF seem redundant, and on the other occupied a gap left by the non-existence of the national IGF.

A second lesson to be learned is that of adequate resourcing or resource mobilisation strategies. Both inaugural events for Malawi and Mozambique benefited from project funding, and mobilising resources for subsequent events has been a challenge.

Lastly, strengthening linkages between national and regional processes is important in helping national IGFs act as a bridge between local policy discussions and regional and global discourse.

Action steps

The experiences in Malawi and Mozambique suggest the following:

- National IGFs need to have a local champion (from any stakeholder grouping) and efforts should be made to identify and support these champions. In Malawi, the launch of the national IGF was championed by the NICTWG, while the second forum was made possible by the efforts of a member of the ICTAM who lobbied with both the ICTAM and the NICTWG to organise the Forum. In Mozambique, after the inaugural SDIG, SIITRI was not able to sustain the process and subsequently the regulator has stepped in, which may lend some legitimacy and help to make the process more sustainable.
- Linkages to the regional IGF and contribution to national and regional policy processes can help to make national IGFs more relevant. Malawi's NICTWG has a mandate to shape ICT policy development and its incorporation in the national IGF was intended to provide a mechanism for the discussions at the IGF to find their way into national policy processes. Similarly, in Mozambique, the expectation was that SIITRI would provide the relevant linkages between the SDIG and national policy processes. Both the Malawi and Mozambique processes have not yet demonstrated (significant) linkages with the regional or continental IGFs.
- The agenda for national IGFs needs to balance local needs and global significance. For instance, the inaugural Malawi IGF derived its agenda from the global IGF and may have missed the opportunity to localise the discussions, while the Mozambique SDIG leaned more in favour of localising its agenda. Considering the broader objective of feeding into regional, continental and global discourse, agenda setting at the national level should therefore aim to discuss local issues framed in the context of the regional, continental and global agenda, while at the same time providing an opportunity to introduce new topics of national concern that may not have been considered at the other levels.

24. www.cto.int



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Introduction

Framed as an economic infrastructure and opportunity, the internet has flourished in Malaysia. A survey conducted in 2016 shows that 77.6% of the Malaysian population has access to the internet.¹ A survey by international content-delivery network service provider Akamai ranked Malaysia's average internet connection speed as the 10th fastest in the Asia-Pacific region.²

As much as the Malaysian government wants to treat the internet as part of economic and development policy, various stakeholders, especially civil society, activists, feminists, independent media and diverse non-conforming communities, have quickly found out how the internet expands social and political spaces, amplifies their voices, and better enables activism and community mobilisation to defy authoritarianism and oppressive norms. The lack of centralised governance and control of the internet, which is uncharacteristic for the government's authoritarian treatment of the older media technology (i.e. broadcast and print), allows for the flourishing of dissenting voices and sets the backdrop for a vibrant social movement.

But we are seeing more frequent attempts by the government to regain its authoritarian control over participation and access; a growing number of techno-centric policies that are detached from the lived realities of marginalised communities; and an increasingly complex and close cooperation between state and the private sector. This report will discuss the power relations between multiple stakeholders in internet governance in the Malaysian context and the concurrent conditions for the respect of human rights, particularly for marginalised groups who do not have access to the internet.

Policy and political background

The heart of the expansion of the internet and other information and communications technologies (ICTs) in Malaysia is the Multimedia Super Corridor (MSC). Launched in 1997, this is an ambitious programme envisioned by then Prime Minister Tun Dr Mahathir Mohammad to “leapfrog [Malaysians] into the Information Age...and to attract world-class companies to use it as a regional multi-cultural information age hub.”³ The new informational mode of development was seen as a catalyst to thrust Malaysia among the developed countries of the world and to educe the nation of its Third World past. As a result, the flurry of institutions, legislation and policies set up was framed in terms of economic development and global competition.

Along with tax breaks and other incentives, the Malaysian government gave the promise of no internet censorship in a 10-point MSC Bill of Guarantees.⁴ This was part of the effort to establish an ICT-friendly, progressive and open government policy when it comes to the internet. The Malaysian government lived up to this spirit and its no-censorship commitment for a long time – even through the *Reformasi*⁵ protest in 1998.

Crackdown on civil society and dissenting voices

However, much has changed since then. In the context of the government's pseudo-democratic and weak human rights practices, the internet has come under threat in recent years with an increase in censorship and the blocking of websites and other online platforms; the criminalisation and regulation of political and social expressions; rampant gender-based online violence against women and queer persons, along with the failure of the criminal justice system to address this; state and social surveillance, including the moral policing of women

3 www.cyberjayamalaysia.com.my/about/the-story

4 <https://www.mdec.my/msc-malaysia/bill-of-guarantees>

5 Thousands protested across Malaysia after the sacking and subsequent arrest of former Deputy Prime Minister Anwar Ibrahim. The *Reformasi* incident drew significant civil society reactions, and led to the strengthening of the opposition. Anwar Ibrahim transitioned to the opposition as the de facto leader. *MalaysiaKini*, the first alternative online news portal, was born a year after *Reformasi*.

1 Malaysian Communications and Multimedia Commission. (2016). Internet Users Survey. <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/IUS2016.pdf>

2 The Sun Daily. (2017, 1 June). Malaysia's internet connection is the Asia-Pacific's 10th fastest. *The Sun Daily*. www.thesundaily.my/news/2017/06/01/malaysias-internet-connection-asia-pacifics-10th-fastest

and queer persons; and inadequate protection of users' privacy and personal data, among others.

Civil society has attempted to defend the shrinking spaces, but with very limited success, as the government often operates in secrecy when it comes to amending or proposing legislation and policies for the internet. Businesses, in most cases, have complied with the regulations and requests from the government when it comes to blocking content or providing user information, as long as their operations are not affected. It remains unclear whether the government is making these requests after obtaining court orders.⁶

Moving forward and leaving some behind

More critical are the questions on access. Internet penetration in Malaysia is nearly 78%⁷ and is expected to increase to 195% by 2025, due both to the Internet of Things (IoT) and population growth.⁸ The trajectory is in line with the government's next long-term development programme, *Transformasi Nasional*, or Malaysia's TN50 plan, that aims to advance Malaysia technologically, economically and socially. The plan strives to distinguish itself from past practices by promising a "bottom-up" process of wide engagement with Malaysians, especially the youth, and a commitment to produce a roadmap with detailed, concrete targets. With public resources at its disposal and public engagement as its process, the final TN50 policy document will guide and steer the nation's development priorities and policies.

The TN50 initiative proposes grand plans that capitalise on technological innovation and communications networks – a future where "people work mostly from pods as they are connected virtually; people implant nanotechnology chips in their body [to] fight cancer cells [...]; industries and organisations turn to robotics and AI for physical tasks; consumption of services via digital platforms such as education, healthcare and virtual tourism become pervasive."⁹

The initiative promotes techno-centric economic and social policies without situating them within the lived realities of the people on the ground, including the struggles for social justice, good governance

and gender equality – frameworks that have been absent from the TN50 process so far. Without articulating progress and development across a full range of economic and social spheres, including human rights and gender equality, it remains a piecemeal strategy that generates feel-good outcomes for government officials. Most importantly, the question around bringing meaningful access to the internet remains largely missing from the TN50 engagement.

Internet access is not even across the board: despite Malaysia's population being split almost evenly between men and women, less than half of internet users (42.6%) are women. A majority of internet users are within the 20-34 age range, with numbers dropping off after the 40-year mark.¹⁰ The government and private sector have yet to provide affordable access to communications to the indigenous communities, who are also the more marginalised and economically disadvantaged segments of the population in this country.

More so, for the indigenous peoples in Peninsular Malaysia, who call themselves Orang Asli. Other than issues of lack of affordable, reliable and fast connectivity to the internet, Orang Asli women in particular face issues compounded by the intersectionality of their identity as poor, indigenous women. Their freedom to influence decision making at the village level can be severely impeded by patriarchal oppression and disempowerment, which in turn is largely dependent on the leadership style and approach of the government-appointed Tok Batin (village head). Symptomatic of all of these challenges is the lack of access to timely and accurate information to better enable decision making and participation in the public sphere by Orang Asli women.

Internet governance in Malaysia

The chief authority in telecommunications and the internet is the Malaysian Communications and Multimedia Commission (MCMC), an independent body established in 1998 under a convergence regulation model to consolidate regulations around media broadcasting, telecommunications and the internet. Two laws were enacted to give effect to the new regulatory model: the Communications and Multimedia Act 1998 (CMA) which set out a new regulatory licensing framework for the industry, and the MCMC Act which created the MCMC and comes under the purview of the Ministry of Communications and Multimedia. MCMC has been criticised

6 Venkiteswaran, G. (2016, 18 May). [Malaysia] A trend toward censorship and control. *SEAPA*. <https://www.seapa.org/a-trend-toward-censorship-and-control>

7 Malaysian Communications and Multimedia Commission. (2016). Op. cit.

8 MIMOS Berhad. (2014). *National Internet of Things (IoT) Strategic Roadmap*. www.mimos.my/iot/National_IoT_Strategic_Roadmap_Book.pdf

9 <https://mytn50.com/?language=eng>

10 Malaysian Communications and Multimedia Commission. (2016). Op. cit.

for complying with government instructions to shut down websites or to conduct criminal investigations over dissenting voices online.

Within the MCMC, the Communications and Multimedia Content Forum (CMCF)¹¹ was set up to meet the objective of fostering a self-regulatory framework for the communications and multimedia industry. It is supposed to govern electronic content and address content-related issues, based on a voluntary content code. It is made up of six “Ordinary” Member categories: Advertisers, Audiotext Hosting Service Providers, Broadcasters, Civic Groups, Content Creators/Distributors and Internet Access Service. Civil society participated in the Content Forum, but the forum is generally weak in influencing decisions made by the MCMC.

The MCMC is connected to the Ministry of Science, Technology and Innovation (MOSTI), a ministry that leads the national science, technology and innovation agenda – which includes ICT policy, cybersecurity, biotechnology and space technology. MOSTI plays a key role in integrating and mainstreaming technology and ICTs within the government and among businesses. Though MOSTI has been active in its engagement with IT students, tech companies and researchers specialised in science and technology, dialogue with civil society and think tanks on integrating human rights and a gender perspective into its work remains missing.

The national Internet Governance Forum (MYIGF)

The limitations faced by civil society are further apparent in the manner in which the Malaysian government organised its Malaysia Internet Governance Forum (MYIGF). The first MYIGF was held in 2014, and it was largely a government initiative with very little information available to the public.¹²

A second MYIGF¹³ was held recently in October 2017. It was a one-day event at the MCMC building in Cyberjaya, organised in collaboration with the University Utara Malaysia and themed “Cyber Security for Trusted Digital Economy”. Civil society was neither consulted during the organising process, nor was there an open call for workshops or sessions. In addition, a participation fee was imposed: MYR 600 (about USD 150) for international participants, MYR 400 (about USD 100) for local participants, and MYR 100 (USD 25) for students. While there was no restriction on civil society participating,

the participation fee, which is uncommon at most IGF events, is a financial burden to most local civil society organisations, more so for grassroots communities located outside of the state of Selangor. In effect, it deterred meaningful participation from civil society.

The Working Group on Internet Governance (WGIG) provides that internet governance “is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.”¹⁴ The multistakeholder approach to internet governance is grown from the internet’s own DNA and it is what allows the expansion and vibrancy of the internet. As our countries and communities turn digital and our identities are reduced to algorithms and data, it is imperative that all relevant stakeholders are included in the process and vision of national-level internet governance processes. It is alarming that the government is using the term “multistakeholder” (as stated on the national IGF website) in the absence of participation from a much wider net of stakeholders.

At the international and regional level, the Malaysian government has been absent from the internet governance space, making it a challenge for local civil society to engage with policy makers around internet governance in the country.¹⁵

World-class cybersecurity and the missing civil society

Cybersecurity is a major agenda for Malaysia. According to the Global Cybersecurity Index (GCI) 2017,¹⁶ Malaysia is ranked third among 193 countries in terms of its commitment to cybersecurity, behind Singapore and the United States. The ranking is assessed based on five pillars, namely legal, technical, organisational, capacity building and cooperation.¹⁷

The earlier institutions and policies dealing with cybersecurity were designed to accommodate the national socioeconomic strategy. Under the

11 www.cmcf.my/home.php

12 www.giplatform.org/events/malaysia-myigf

13 myigf2017.socuumcas.net

14 Working Group on Internet Governance. (2005). *Report of the Working Group on Internet Governance*. <https://www.wgig.org/docs/WGIGREPORT.pdf>

15 Venkiteswaran, G. (2016, 18 May). Op. cit.

16 <https://www.itu.int/en/ITU-D/Cybersecurity/Pages/GCI-2017.aspx>

17 The Star. (2017, 6 July). Report: Malaysia’s cybersecurity is third best globally. *The Star Online*.

www.thestar.com.my/news/nation/2017/07/06/malaysia-rank-high-cybersecurity-commitment/#A4RBBjWSeOeeI08.99

purview of MOSTI, CyberSecurity Malaysia¹⁸ – a registered company – was set up as a specialist agency to provide cybersecurity services in preventing or minimising disruptions to critical information infrastructure in order to protect the public, the economy and government services.

This has since changed, especially with the establishment of a National Cyber Security Agency (NCSA) under the National Security Council on 1 February 2017.¹⁹ Cybersecurity is now regarded by the Malaysian government as part of the national security agenda. The government, lamenting that there are no cybersecurity-specific laws in Malaysia, has proposed a new law aimed at “protecting Malaysians from cybersecurity threats.”²⁰ This would include consolidating efforts around cybersecurity and threats with the NCSA as the single agency. The new bill (which remains unavailable for public consultation at the time of writing) is expected to be tabled in parliament in October 2017.

Many of the government’s policies and initiatives around cybersecurity are developed and implemented without broader consultation with the public and civil society. Though collaboration and engagement with women’s rights and children’s rights organisations and a telco company was seen under its CyberSAFE initiative, an awareness and outreach campaign on online harassment and cyberbullying, the initiative takes on a protectionist approach and stops short of challenging the politics and status quo on gender-based discrimination.²¹

With the widening and deepening definition of cybersecurity in Malaysia, the voice and power of civil society as a stakeholder in the national governance process is at stake. National security in Malaysia has always been seen as the sole responsibility of the state and it is no surprise that the government’s approach is antithetical to a multi-stakeholder system. The lack of open, participative, consensus-driven governance and transparency around the formation of cybersecurity legislation and policy stems from sweeping secrecy laws, combined with a rampant abuse of powers, a lack of accountability among civil servants, and excessive restrictions on information which severely impair the flow of information or any efforts in consulting the public.

18 www.cybersecurity.my/en/index.html

19 The Star. (2017, 9 June). Zahid: Malaysia to introduce new cybersecurity law. *The Star Online*. www.thestar.com.my/news/nation/2017/06/09/zahid-malaysia-to-introduce-new-cybersecurity-law

20 Ibid.

21 www.cybersafe.my/pdf/youth/cyberstalking.pdf

The missing link at regional and international levels

The perception of the regional and international IGFs is that the voices of Southeast Asia are not represented or included, especially in advanced discussions on big data, net neutrality, platform economies, etc. Given that the IGF is a United Nations-backed mechanism, there is a tendency to assume that the discourses and debates taking place within the process are reflective of the struggles on the ground. With that, it is often perceived that civil society from Southeast Asia has to “catch up” with the global internet governance discourse.

The realities are more complex than that. Civil society and activists in Southeast Asia, especially those from the more marginalised communities, have long roped in the internet in their struggles for human rights and gender equality; and they are defending hard against the shrinking spaces faced by human rights advocates globally.

For instance, network discrimination is a real and growing concern in Timor-Leste. Telkomcel, one of the major internet service providers in Timor-Leste, has partnered with Facebook to launch Free Basics in the country.²² Compelled by economic realities in the country and much slower access to other websites and platforms, internet users inevitably perceive Facebook as “the internet” and it is becoming the main source of information and news. In EMPOWER’s last encounter with activists in Timor-Leste during the ASEAN People’s Forum 2016, journalists and activists on the ground were fighting hard to counter misinformation spread on social media and to encourage internet usage beyond Facebook.

It is unrealistic to expect civil society or activists who are less well-resourced to be able to present or reflect their stories in the international arena. Among other reasons, there is a lack of immediate relevance of the IGF to their struggles, there are language barriers, and there is a competitive workshop selection mechanism.

To move towards a more inclusive and open IGF, we need to critically rethink the mechanism and model of the IGF, and to find a way to proactively capture these valuable voices in the global movement for internet rights and governance.

The internet is no longer a tool, but an integral part of our activism, identities and rights. Success in the increasingly digitised political, social and economic realms requires a comprehensive and multistakeholder approach to foster inclusion.

22 www.telkomcel.tl/free

Either this or we will have a scenario where the most marginalised groups will have to bear the consequences of political, economic and social inequalities resulting from top-down, unfair, non-inclusive policies.

Action steps

The following action steps are recommended for civil society:

- Research and explore with indigenous communities the potential of setting up community networks in Malaysia, as an act of exercising
- power and to develop an internet that accommodates their needs and lives.
- Continue conversations and dialogue among civil society activists and human rights defenders on the intersection of ICTs, gender, human rights and good governance at the national level.
- Raise awareness on internet rights and digital inclusion among the public and key institutions and actors such as the media, university students, national human rights institutions, lawyers, independent content creators, and tech developers, among others.

NEW ZEALAND

INTERNET GOVERNANCE IN NEW ZEALAND: NETHUI



InternetNZ

Joy Liddicoat, Jordan Carter and Ellen Strickland
<https://www.internetnz.nz>

Introduction

“Internet governance” is an interesting abstraction to present to a policy community in a country as small and as liberalised as New Zealand. With an open, stable democratic government and transparent public policy processes, many would assume that there is little “governing” to do. If “governing” was considered necessary, a “hands-off” approach might well be considered best, with leadership coming as needed from the combined efforts of the technical, academic, community or private sectors, rather than government.

This fundamental assumption informed the creation of InternetNZ, a multistakeholder NGO established in 1995 to be the vehicle for local internet community control of the .nz country code top-level domain (ccTLD) – a role it plays to this day. It also supported the development of New Zealand’s version of an Internet Governance Forum (IGF). That event, NetHui, sees its sixth nationwide event a month before the 2017 global IGF.

This report looks at the development of NetHui, and its links to the earlier multistakeholder experiment (and NetHui founder) InternetNZ. We highlight the powerful contribution that a few well-connected and well-informed individuals can make in a small policy community. We argue that a diverse, participatory event inspired by global antecedents provides a useful contribution to national decision making, including general support for a “hands-off” multistakeholder approach. The key suggestion is that a completely discursive format can work and should be tried by others.

Policy, economic and political background

New Zealand is a small, open economy far away from almost everywhere. Developed first by indigenous Māori from the 11th century, then by predominantly British settlement from the 1800s, it is a multi-ethnic, bi-cultural nation state that is well developed by global standards and enjoys a high degree of peace, stability and economic well-being.

A significant concern in 2017 is increasing unequal distribution of cultural and social well-being and economic success, resulting in significant inequalities and high rates of child poverty.

New Zealand’s government administration is very small, never having a depth of personnel to deal with internet policy. Before the commercialisation of the World Wide Web from the mid-1990s, there was little attention to internet policy making. Regulation focused on ensuring existing laws took into account new technologies (for example, changes to criminal law to permit searches of computers) or on deregulation of the emerging markets in which technology providers were seeking to deploy new services.

The result was that a small, expert policy community emerged, strongly connected with InternetNZ and the technical community. This community was looked to by public policy makers and became very influential in shaping regulatory approaches to a range of internet policy issues. But by the mid-2000s, this community was under pressure from its voluntary nature, its small base of expertise and the increasing number of internet policy issues needing inputs. InternetNZ needed to be more open, develop new and inclusive ways of working, and build community capacity to strengthen the local Internet community

Shaping a unique expression of the IGF

While this report deals with the difference that a small community can have, it is the efforts of one person in particular, Frank March, that made building NetHui as a distinctive national IGF possible.

March was a public servant and internet technologist in the New Zealand government, academic and internet communities. He was an official in the government agency that became responsible for internet policy, and was active in the foundation of InternetNZ as the steward of the .nz domain. He later served on InternetNZ’s governing council in a range of offices including as president from 2009 to 2014.

For most of this time, March was also the New Zealand government’s representative on the Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and

Numbers (ICANN),¹ and was an influential voice supporting the development of ICANN’s distinctive multistakeholder model of governance rather than seeing ICANN’s functions moved to a more inter-governmental approach. He both represented that position on New Zealand’s behalf, and helped to shape it as New Zealand policy.

A formative experience was being posted to Geneva to be part of the secretariat of the World Summit on the Information Society (WSIS). He served in that role in 2004, and helped write parts of the report that became the 2005 WSIS declaration. These experiences shaped an understanding of the multistakeholder approach to internet governance and the role of government in such an approach.

March continued in his role as GAC representative and as a supporter of InternetNZ’s role and involvement in the global internet community when elected president of the InternetNZ Council in 2009. Collaborating with then chief executive Vikram Kumar, he inspired the foundation of NetHui as a national IGF for New Zealand. That inspiration drew on the multistakeholder experiences from the global IGF and related processes.

Imbued in the foundation of the event was a commitment to two core process approaches that are a little bit different from other IGFs. One is the discursive style of the event; the other is the community collaboration that leads to the programme’s creation.

Forum style

When deciding on the style of the forum, InternetNZ considered the traditional panel-centric event and found it unsatisfactory. Criticism included that speakers were rushing through over-long presentations; had an inability to stick to time limits; and generally saw up to three token questions from the audience before participants were rushed along to the next session. Typically there would also be a plenary with speakers in “town hall” style, with somewhat formulaic interventions from the floor (which often involved stakeholders with vested interests in repeating their key messages with little new input or genuine debate).

This approach can be content rich but dialogue poor, and has been witnessed by the authors at events nationally, at regional IGFs such as the Asia Pacific Regional IGF (APrIGF) and the Pacific IGF, as well as the global IGF itself.

New Zealand wanted to do something different. The NetHui format draws from indigenous Māori culture, specifically the concept of a “hui”. The word “hui” translates as “meeting” or “gathering” and is widely used to refer to a gathering of any kind: to discuss more formal matters in traditional communal settings (*marae*), or more informal matters or specific issues. Being well known in New Zealand as a concept, InternetNZ drew from this wider understanding to focus on the internet and a *hui* format to make an open call to bring diverse communities together.

The core building block in NetHui is the dialogue session: 60 minutes in a U-shaped room, on an identified topic (see below on topic selection), with two facilitators who, crucially, do not present on the topic. They facilitate the dialogue between participants in the room, striving to help the conversation develop in whatever direction emerges.

This approach has positives and negatives. With great facilitation and the right set of participants, it can lead to a highly stimulating, creative session that generates new insights, a synthesis, teases out a difficult debate or leads to a startling consensus. With poor facilitation and if participants have divergent or unformed views (or if one side of a debate has a dominant presence) it can be less of a success. But the principle is clear: this is a dialogue open to all to add their views and to do so with respect; not a lecture from on high. On balance, this approach has been highly successful and led to NetHui being very popular and able to be sustained as a forum.

NetHui has now been held as a national event five times in Auckland, New Zealand’s largest city, and once in Wellington, New Zealand’s capital. These national events have been sponsored, with a very low entry cost, resulting in the events being fully subscribed out each year with a capacity of approximately 300 to 500 participants.

While mostly taking place in the largest city of Auckland, NetHui has also been held in some of the regional centres and towns: twice a NetHui South was held in New Zealand’s South Island and in 2017 NetHui events included a “Road Trip” which was comprised of three one-day events in regional centres in both the North and South Island of New Zealand.

NetHui 2017 sees a further evolution – to allow for “content first” approaches, some “Download” sessions have been developed in which presentations may happen and someone leads a discussion rather than opens the floor. These sessions help participants who may know little on a topic to better understand and feel confident to contribute to a subsequent topic discussion.

¹ <https://www.icann.org>

Programme creation

The second feature of NetHui is the approach to programme creation. Rather than a call for proposals in the traditional manner, InternetNZ staff brought together and curated a wide range of stakeholders interested in developing workshop proposals, connected them with each other, and held open sessions to discuss, debate and finalise the programme. Anywhere between 50 and 80 topic proposals are received from an open proposal process, and between 30 to 50 facilitators and session leaders end up being involved in creating the programme.

This contrasts with an earlier approach to create a domestic equivalent of a Multistakeholder Advisory Group to “own” the IGF-style event. That was attempted but did not lead to adequately broad participation. This was partly due to the small size of the local policy community: there are few actors with the resources to lead such an approach across the full range of stakeholders. However, taking an organic response and adapting to this, it was clear there were more people who are available and can take the time to be participants in a process created by others. Stepping back from the substance and helping others to determine content for themselves has been more successful.

The style and format of NetHui, if it is to be effective and responsive, must continue to evolve. In its sixth year, and as with other regional and global events, participants do sometimes ask, “What are the concrete outcomes?” Although many who attend repeatedly share stories about the impacts that the event can have, for practice and policy, it is often within stakeholder groups rather than across them. An example of an outcome of the event for business stakeholders is the New Zealand Cloud Code of Practice, which first gained traction and was initiated as a project at NetHui 2011.²

The NetHui format has attempted to develop outcomes, but with limited success, for several reasons. In general, the public policy-making process in New Zealand is already open and accessible and a new forum to directly shape those processes was not seen as necessary. Instead, those participating in NetHui have tended to use the event to develop and test ideas, hear different views, and share insights, rather than to seek consensus on issues that can then be taken into other processes including public policy-making processes, business practice and research and technical development. In addition, participants generally seem more interested

in learning and hearing a diversity of views, rather than workshops or other sessions where outcome documents are drafted to capture agreements on issues of the day.

While, therefore, there have been no outcome statements as such, there is clear evidence that NetHui has directly contributed to the development of new internet public policy. For example, discussions about a digital bill of rights in 2012 lead to three political parties including a digital bill of rights in their party manifestos. In the recent general elections, two of the governing political parties, the Labour Party and the Green Party, made reference to these in their policies. Discussion about harmful digital communications, such as cyberbullying and online harassment, informed the development of the Harmful Digital Communications Act 2015.³ NetHui continues to be a place that monitors these developments.

Summary of insights

NetHui participants comment in event feedback that NetHui is an unusual event – it is unlike any conference or other event in New Zealand. As *the* multistakeholder internet event in New Zealand, NetHui brings together stakeholders from business, government, civil society and the technical and academic sectors in a unique space. The power relationships between these stakeholder groups vary, as do their relationships outside of NetHui, which impacts on the dynamics and exchanges in NetHui events. NetHui has evolved to meet some of these challenges and some of the challenges are still being navigated.

As in other places, the growing impact of the internet means more people and organisations are affected by and interested in its development. Our reflection is that it may be time to make another, more structured effort at a more devolved, community-wide ownership of the event and the programming process, to ensure the event continues to be and be seen as relevant to the local internet community. This might involve InternetNZ stepping back from its current role, if others in the community are willing and able to do more.

Our final reflection is on whether there might be other innovations from other IGFs that could usefully be brought to New Zealand. These might include, for example, ongoing working groups on enduring themes, or preparation of consensus contributions to policy debates or best practice dialogues. These might be useful as New Zealand continues to

2 <https://cloudcode.nz/History#call>

3 www.legislation.govt.nz/act/public/2015/0063/latest/whole.html

grapple with the internet's impact and the challenge that NetHui faces to bring diverse stakeholders together to help shape the future of the internet for New Zealand

Regional reflection

NetHui has been hosted alongside an Internet Society (ISOC) Intercommunity⁴ event and InternetNZ has supported the two Pacific IGFs held to date. Participation from New Zealand has been regular if not completely representative at APriGFs. InternetNZ has also provided small numbers of scholarships for NetHui and supported the same for regional and global events (most notably the IGF held in Indonesia in 2013, where four local internet community participants were sponsored to attend).

InternetNZ's international programme aims to share insights from NetHui regionally and globally and has done so through the regional and national initiatives (NRIs) track at various events. Participants also share insights from the regional and global context in New Zealand debates. These linkages could be more formal and transparent through some mechanism that gave visibility to the links, participation and insights – perhaps a simple website.

Conclusions and action steps

Responding to New Zealand's specific context, InternetNZ has managed to innovate in the IGF format, along with being the primary funder of NetHui. A key challenge has been the small policy community and different perspectives on internet governance. The link between the impact of the individual and the approach to NetHui described above is important.

March was in a position, with access to networks and resources and insight, to lead the community in developing and making NetHui happen. Having created the space, the community responded and has much more leadership in developing the event, meaning that InternetNZ's role has changed to one of platform provider, rather than content creator.

In future we suggest the following action points:

- NetHui must continue to evolve to remain relevant and of interest to New Zealand stakeholders interested in the future of the internet and its impacts.
- NetHui participants and organisers must increase understanding among stakeholders of the benefits of engaging in inclusive bottom-up-led processes in a non-commercial event, where people help shape the event and agenda but must engage with diverging perspectives.
- NetHui must maintain a safe environment where marginalised and vulnerable communities have safe spaces to engage in this multistakeholder dialogue. Building meaningful youth participation in a way that is appropriate and meaningful for participants is an ongoing area of action.
- Understanding of NetHui should be deepened by mapping impacts. The actions of one person, and the efforts of different stakeholders, can have far-reaching ripple effects. This includes understanding the impact of policy discussions at NetHui, seeing potential benefits of a more deliberative approach, as well as capturing the important outcomes of programme creation that is truly bottom-up and organic in nature.

⁴ ISOC's annual member meeting.

NIGERIA

THE IMPACT OF THE IGF ON INTERNET POLICY PROCESSES IN NIGERIA



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Introduction

The Nigerian Internet Governance Forum (NIGF) was first convened in 2012. Since then it has been held five times. In addition, two sub-national IGFs were held in 2015 and 2016. The first focused on the roles of different stakeholders in the IGF – this against the background that many of the participants were attending the IGF for the first time. The second, in 2016, took the theme “Internet of Our Choice: Empowering Women and Protecting Children Online”, which aimed to mainstream gender and child rights in internet governance discussions. Despite this, the NIGF has met with a number of challenges that have prevented it from gaining a clear foothold in the national internet policy space.

This report assesses the strengths and weaknesses of the NIGF as far as multistakeholder coordination is concerned, its relevance to the national policy space, and the strength of the engagement of key stakeholders and constituencies.

The Nigerian context

Nigeria returned to civil democratic rule in 1999 after 16 years of military rule. So far, it has conducted four rounds of elections, indicating some measure of consolidation of democratic rule in the country. At the same time, the elections are also proving to be reasonably robust: 2015 was the first time that an opposition party would defeat the incumbent at the national level. When its economy was rebased in 2015, Nigeria emerged as the largest economy in Africa. By 2016, the economy had slid into recession¹ as a consequence of several factors including the global drop in the price of crude oil, the inherent instability of a mono-economy, and large-scale financial corruption.

The telecommunication sector has been liberalised, with many players engaged in providing basic

telecommunication and internet services as well as other related value-added services. Access is largely shaped by economic factors, with many dimensions to the digital divide in the country. These include regional income disparities, the urban/rural divide, gender-related issues, and the exclusion of people with disabilities from mainstream socioeconomic activities. Public perception is that the cost of services is high, even when these services are generally considered to be poor in quality. Broadband penetration² is less than 20%, with a national broadband programme targeting a penetration of about 30% by 2018.

Evaluating the Nigerian IGF processes

Participation in the Local Multistakeholder Advisory Group

The NIGF is led by the Local Multistakeholder Advisory Group (LMAG), which is composed of eight members. The composition of the LMAG, indicated in Table 1, shows that the government has a disproportionate membership (three) compared to other sectors. Civil society effectively has only one member, because the second designate also represents the government. The single civil society member works with an NGO that is hardly known outside the IGF process. Although the chair of the LMAG is a woman, the committee has poor representation of women, as she is the only female out of the eight members.

Although the private sector is represented in the LMAG and often makes a financial contribution to the national IGF, the two private sector representatives do not come from major players in the information and communications technology (ICT) sector. Major telecommunication companies, ICT firms and other internet-dependent companies do not seem to see any value in participating in the national IGF. As a result of poor advocacy and the absence of high-level government endorsement, this strategic group of stakeholders largely ignores the national IGF

1. Manning, J. (2017, 10 April). Why Is Nigeria in Recession? *International Banker*. <https://internationalbanker.com/finance/why-is-nigeria-in-recession>

2. Paradigm Initiative Nigeria. (2016). *Nigeria: Towards Enhancing Affordable Broadband Access*. pinigeria.org/2016/wpcontent/uploads/documents/policy/%28Policy%20Brief%20004%29%20-%20Nigeria%2C%20Towards%20Enhancing%20Affordable%20Broadband%20Access.pdf and Nigerian Communications Commission. (n/d). Broadband penetration in Nigeria. consumer.ncc.gov.ng/archive/publication/telecomm/broad.pdf

	Stakeholder	Number of members
1	Government	3
2	Private sector	2
3	Academia	0
4	Civil society	1 + 1
5	Technical community	1
6	Media	0
7	Other	0

Source: NIGF, www.nigf.org.ng

process. The absence of the private sector at these events suggests that the national IGF is not a strong enough force to entice or encourage them to make any significant changes to their business practices, or anticipate that it would be a forum where important discussions would be held that could affect their business futures.

It is also interesting that of the six key ICT-related business sector organisations in Nigeria,³ only one, the Africa Information and Communication Technologies Alliance (AfICTA),⁴ is fully engaged with the IGF processes in the country.

The Nigeria Internet Registration Association (NIRA)⁵ offers strong representation for the technical community. Nevertheless, the lack of participation by members of the technical community such as the Nigeria Computer Society (NCS),⁶ the Computer Professional Registration Council of Nigeria (CPN)⁷ and the Institute of Software Practitioners of Nigeria

(ISPON)⁸ gives some concern. NIRA has no mechanism for reporting back to these organisations.

Both academia and the media sector are unrepresented in the LMAG – even though the media does cover the event.

Thematic issues covered by the IGF

Table 2 provides a list of the themes of the Nigeria IGF since its inception in 2012.

The IGF has thematically focused mainly on the application of the internet to development, empowerment and economic growth. Within these umbrella themes, key issues shaping access are usually given attention. For example, in 2013, one of the sub-themes was “Policy and Regulatory Model for the Internet”, while “Connecting the Next 50 Million for Economic Growth” was a sub-theme in 2015. Similarly, in 2016, the issues of zero-rating and inclusivity took centre stage, and the discussion on inclusivity provided the theme for the 2016 sub-national IGF held in Bauchi on 25 August 2016 (as mentioned above, “Internet of Our Choice: Empowering Women and Protecting Children Online”).

The choice of themes and topics has reflected issues of contemporary concern to the country. For example, in 2013 the Boko Haram insurgency had become a major issue in the country. The LMAG adopted a theme for the NIGF that spoke to issues of national integration and security. Similarly, in the face of daunting governance problems and divisions in national politics, the theme for 2016 was “Harnessing Internet Governance for Inclusive Development and a Smarter Nigeria”.

Year	Theme
2012	Internet Governance for Sustainable Human, Economic and Social Development
2013	Internet Governance for Empowerment, National Integration and Security through Multi-stakeholders Engagement
2014	Harnessing Multi-stakeholder Framework for Internet Governance and Economic Growth
2015	Harnessing the Potentials of Internet Governance for Sustainable Development in Nigeria
2016	Harnessing Internet Governance for Inclusive Development and a Smarter Nigeria
2017	Connecting, Shaping and Empowering the People

Source: Compiled by the authors.

3 The others are the Information Technology (Industry) Association of Nigeria (ITAN), Institute of Software Practitioners of Nigeria (ISPON), Association of Telecommunication Companies of Nigeria (ATCON), Association of Licensed Telecommunications Operators of Nigeria (ALTON) and Internet Service Providers Association of Nigeria (ISPAN).

4 www.aficta.org/about-us/about-aficta

5 <https://www.nira.org.ng>

6 www.ncs.org.ng

7 www.cpn.gov.ng/metro/#sthash.zLnTozhd.dpbc

8 www.commonwealthofnations.org/organisations/institute_of_software_practitioners_of_nigeria

Nevertheless, the lack of the full participation of the private sector and academia at the various IGFs may be related to the relevance of the IGF themes to their respective sectors. The private sector in particular is more likely to attend and fully support these events if there is a significant return on their investment. This is an area that the LMAG would do well to give more attention to: how the various themes speak to the needs of the various members of the multistakeholder group.

Successes

The impact and influence of the national IGF process can be seen in a number of areas, such as:

- The development of an internet code of practice for the country: The participation of the Nigeria Communications Commission (NCC),⁹ the national telecommunications regulator, in both the national and international IGFs encouraged it to respond to various demands for reshaping the internet. In order to achieve this, a process to midwife an internet code of practice for the country was set up in March 2017.
- Increased commitment to digital inclusion: Although Nigeria has no formally documented digital inclusion agenda, the establishment of the Universal Service Provision Fund¹⁰ in 2003 is largely seen as a tool for digital inclusion. However, since it was established, its impact has been minimal. This was the case until 2015 when it initiated a disability inclusion programme, called the E-Accessibility Project,¹¹ and a gender empowerment programme called the Digital Girls Club.¹² This reinvigoration of the fund can be attributed to the national IGF.
- Roll-out of various ICT-related initiatives for youth: In 2016, the LMAG introduced a pre-IGF event that provides capacity building for youth. The initiative aimed both to empower youth and also to support their participation in the IGF. Consequently, a number of young people are now participating in the national IGF. Their voice is being heard and, as a result, government agencies such as the National Information Technology Development Agency (NITDA)¹³ and the NCC have rolled out youth-related ICT initiatives¹⁴ to empower young people.

- Popularisation of the IGF process in the country: Although awareness about the IGF process is still very low in the country, it is to the credit of the LMAG that some level of awareness has been created. As mentioned, the local IGF is usually covered by the media.¹⁵

Weaknesses

The capacity of the national IGFs to create a lasting impact on national ICT policy has been rather limited. For example, the last review of the national ICT policy was in 2013, despite the fact that the need for a review has been extensively discussed at the various IGFs. This apparent weakness in the impact of the IGF may be due to the following factors:

- Poor spectrum of stakeholders which undermines the effectiveness of the LMAG: The LMAG's membership is tilted toward government, with rather poor presence of both civil society and the private sector, and no participation by the media or academics. The LMAG, as a face-to-face multistakeholder mechanism, also needs to be complemented by a dynamic vertical dimension which brings different levels of society into the process. At government level, this should include state and local government participation; with regards to the private sector, it should be inclusive of the breadth of the sector; when it comes to civil society, this should include community-based organisations. Participation from these groups and sectors is currently missing.
- Low capacity for advocacy: The LMAG does not see advocacy as a major tool for its effectiveness because it believes that its recommendations are merely advisory. In the Nigerian context, describing recommendations as merely advisory is as good as asking that they should be ignored. But when advisory recommendations are actively followed up with informed advocacy, the government and private sector tend to pay more attention. As the LMAG is largely dependent on government funding support, and led by government officials, its independence and ability to challenge and proffer progressive solutions is limited. While this advocacy function of the LMAG could become the responsibility of civil society, the current representatives of civil society lack the expertise and networking capacity to engage in effective advocacy.

9 www.ncc.gov.ng

10 www.uspf.gov.ng/index.php?option=com_content&view=article&id=4&Itemid=124

11 www.uspf.gov.ng/index.php?option=com_content&view=article&id=15:e-accessibility-project&catid=14&Itemid=128

12 www.digitalgirls.org.ng/dgcc/portal/

13 <https://nitda.gov.ng>

14 Babalola, A. (2016, 21 June). Communication Minister Says FG on Course to Commercialise ICT for Youth Empowerment. *This Day*. www.thisdaylive.com/index.php/2016/06/21/communication-minister-says-fg-on-course-to-commercialise-ict-for-youth-empowerment

15 United Nations Economic Commission for Africa. (2014, 10 April). Nigeria to host 3rd African Internet Governance Forum. <https://www.uneca.org/stories/nigeria-host-3rd-african-internet-governance-forum-and-africa-ict-alliance>. (2014, 12 April). Nigeria IGF: IANA Transition - Implication for Nigeria. www.aficta.org/latest-news/215-nigeria-igf-iana-transition-implication-for-nigeria

- Ad hoc nature of the LMAG: The LMAG seems to meet only to plan for the national IGF and review the report of the outcome of the IGF. In between, the lack of continuity makes it difficult for the LMAG to assess progress and follow up on implementation of the resolutions of the national IGF as they relate to policy and other initiatives.
- Lack of clear accountability pathways: One of the consequences of the ad hoc nature of the LMAG is the absence of an effective accountability mechanism through which it gives regular reports to stakeholders. Unfortunately, there is no other body to which the LMAG is accountable.
- Lack of high-level government involvement in the IGF generally: A recent example was the absence of the key government ministry responsible for information and communications technology, the Ministry of Communication, at the 2016 global IGF in Guadalajara, Mexico, while the two major government agencies in the sector, NITDA and NCC, were represented by director-level officials. This lack of high-level interest is also felt in national IGFs. All this suggests that the government is not informed enough of the potential strength and importance of the IGF both nationally and globally to make the necessary commitment to its processes. Its engagement has been largely perfunctory without any objective of achieving a policy impact.

Conclusion

While the NIGF has achieved some measure of success, its impact could have been strengthened if it had addressed some of the most obvious of its weaknesses. It has tried to shape policy around internet access, use and regulation in the country, but suffers from a lack of capacity for sustained advocacy. While it has spawned many positive initiatives for digital inclusion, it also lacks the capacity or the mandate to follow up on the implementation of these initiatives. It has encouraged the organising of sub-national IGFs, without engaging in grassroots organising or engagement to encourage participation in the national IGF. It has raised up the banner of stakeholder accountability without itself developing the requisite accountability and transparency principles and mechanisms for its operation.

At the same time, the Nigerian government's apparent high-level disinterest in the IGF is somewhat at odds with the country's regional engagement. Nigeria has been very active at both the West African and African levels of the IGF. It has hosted the African Regional IGF (2011) and the

West African Regional IGF (2014), and is currently chairing the West African IGF Committee. This leadership role has made government agencies in Nigeria support the West African IGF. Nigeria's role in the West African IGF may be connected to the fact that Nigeria is host to the Economic Community of West African States (ECOWAS) Secretariat, which is based in Abuja.

Action steps

A number of things need to be done to make the IGF in Nigeria more effective, moving beyond a mere advisory role to include advocacy in its mandate. This is important to ensure that it serves the purpose of shaping internet governance discourse and practice, not only in Nigeria but also at the sub-regional, regional and global levels. Some of these include:

- There is a need to review the composition of the LMAG to make it more inclusive of other stakeholders.
- There is a need to lessen dependence on government in the LMAG and to make the processes of the committee more democratic.
- At the same time, there is also a need to include other tiers of governance, such as state and local governments, which have greater responsibility in implementing digital inclusion strategies, in the IGF processes.
- There is a need to develop principles and mechanisms for accountability at both a horizontal level (i.e. LMAG) and a vertical level (i.e. engagement with stakeholders and constituencies). This should include feedback and follow-up meetings to assess progress being made in the take-up of recommendations.
- The LMAG should enhance its capacity for advocacy. While its recommendations and pronouncements are advisory, the uptake of recommendations can be enhanced by an effective advocacy.
- The presence of women and other stakeholders on the LMAG should be increased. This can be done in a similar way in which the youth were encouraged to be a part of the IGF – such as holding a focused pre-event – in order to incentivise the participation and involvement of these groups in the IGF process.
- The country has already witnessed a number of sub-national IGFs that are linked to the national IGF. More of these should be hosted so that the IGF processes in the country will be able to reach the grassroots and be more inclusive of all shades of stakeholders.

PAKISTAN

THE IGF THAT WASN'T



Media Matters for Democracy

Asad Baig and Sadaf Khan

www.mediamatters.pk

Introduction

In mid-2015, the same year the government in Pakistan geared up to pass a regressive cybercrime law, a group of digital rights activists¹ started planning to host Pakistan's first national Internet Governance Forum (IGF). However, the Pakistan IGF never materialised. Days after the first Multistakeholder Advisory Group (MAG) meeting was held, the political climate worsened and the government passed the legislation² against which the digital rights community had been advocating for over a year.³ The adoption of the law without any consideration being given to human rights concerns deepened the rift between the government and civil society.⁴ In this environment, the government was reluctant to share a platform with the same activists who were vocally opposing the law, and the IGF process stalled.

This report is a reflection on the experience of attempting to host a national IGF and the factors that hampered its implementation. It looks specifically at the challenge of multistakeholderism in regressive regimes and the unfortunate trend of competitive activism that pitches activists against each other in competition for the same pool of resources. Readers will find a candid analysis of the factors outside and within the internet community that adversely affected the planning for an IGF in Pakistan.

Policy, economic and political background

A former British colony, Pakistan "inherited the colonial legacy of authoritarianism,"⁵ further exacerbated by successive martial laws that "have left

intractable and spillover impacts on politics"⁶ and legislative structures. In addition, rampant terrorism has created an environment where "security concerns" reign supreme.

Civil society in Pakistan is a threatened sector and activists operate in an extremely hostile climate.⁷ While economic considerations make the business community a stronger ally of the government, recent concerns about the possibly stifling impact of a billion dollar economic partnership with China⁸ may have an impact on the relationship between the government and corporate sector. An all-powerful stakeholder is the country's military establishment that continues to wield power over legislative decisions, as demonstrated during the drafting of cybercrime legislation.⁹

In 2015, a leaked copy of the proposed new cybercrime legislation, drafted by the Ministry of Information Technology and Telecommunication, alarmed activists across the country.¹⁰ Under public criticism of this draft and the secrecy surrounding it, the government was forced to open it up to public consultation¹¹ that continued for over a year before the final law was passed. However, the government dismissed civil society as "not being real stakeholders"¹² and sought inroads into industry instead. This is reflective of the attitude generally taken by the government towards a multistakeholder governance approach.

1 Media Matters for Democracy was one of the organisations involved in the initial planning of the Pakistan IGF and one of the co-authors of the report that Sadaf Khan was initially working on as the national IGF coordinator

2 Pakistan Today. (2016, 11 August). NA passes Cybercrime Bill today. *Pakistan Today*. <https://www.pakistantoday.com.pk/2016/08/11/na-passes-cybercrime-bill-today>

3 Shahid, J. (2016, 24 April). NA committee must reconsider cybercrime bill. *Dawn.com*. <https://www.dawn.com/news/1177889>

4 Yusuf, H. (2016, 15 August). Closing space. *Dawn.com*. <https://www.dawn.com/news/1277530>

5 Taimur-ul-Hassan. (2013). Authoritarianism in Pakistan. *Journal Of Political Studies*, 2. pu.edu.pk/images/journal/pols/Currentissue-pdf/Roots%20of%20authoritarianism%20in%20Pakistan-KU.pdf

6 Baloch, J., & Gaho, G. (2013). Military Interventions in Pakistan and Its Implications. *The Government - Annual Research Journal of Political Science*, 2(2), 57. sujo.usindh.edu.pk/index.php/THE-GOVERNMENT/article/view/937/879

7 Rashid, A. (2013, 8 February). Viewpoint: Pakistan civil society under threat. *BBC News*. www.bbc.com/news/world-asia-21379192

8 Butt, N. (2016, 29 December). CPCC: FPCCI seeks protection of local industries. *Business Recorder*. fp.brecorder.com/2016/12/20161229118019

9 Daily Times. (2016, 20 October). ISI gets legal cover to act against cyber-crimes. *Daily Times*. <https://dailytimes.com.pk/51040/isi-gets-legal-cover-to-act-against-cyber-crimes>

10 Media Matters for Democracy, Bytes for All, Pakistan, & Association for Progressive Communications. (2016, 14 April). Prevention of Electronic Crimes Bill 2016, yet another story of deception from democracy. *Media Matters for Democracy*. mediamatters.pk/prevention-of-electronic-crimes-bill-2016-yet-another-story-of-deception-from-democracy; Dawn. (2015, 21 April). Human Rights Watch, others declare cyber crime bill 'undemocratic'. *Dawn.com*. <https://www.dawn.com/news/1177235>

11 Media Matters for Democracy. (2016, 3 July). Digital rights activists highlight concerns in PECB2016; Senate Committee set to make some changes in the Bill. mediamatters.pk/digital-rights-activists-highlight-concerns-in-pecb2016-senate-committee-set-to-make-some-changes-in-the-bill

12 The News. (2015, 11 August). Cyber bill. *The News*. <https://www.thenews.com.pk/print/55826-cyber-bill>

The Pakistan IGF: A dream far from fruition

A demonstration of challenges to multistakeholderism in Pakistan

The 40-page draft cybercrime bill, which was leaked in March 2015, outlined a draconian regime for monitoring, surveillance and censorship, and was a nightmare for activists. From March 2015 to August 2016, a Joint Action Committee (JAC), comprising civil society groups and industry representatives, engaged in advocacy for changes in the draft. JAC members engaged the media,¹³ petitioned the senate,¹⁴ submitted written feedback, and participated in national assembly and senate committee sessions to make sure that their concerns were heard.

The Prevention of Electronic Crimes Act (PECA),¹⁵ finally passed in August 2016, was a long way from the original, but retained some of the key regressive elements.¹⁶ During the PECA advocacy, the challenges to multistakeholderism in internet governance were on display:¹⁷ the government engaged with civil society only under tremendous pressure; the industry sector, although advocating from the joint platform of JAC, did not support civil society on some key issues like censorship; the media, an important stakeholder, remained largely silent for a long time before finally adding its voice to the cause; and the general environment among all the stakeholders working towards the

common goal of an effective and progressive cybercrime law remained extremely hostile.

To be true to the spirit of multistakeholderism, all “relevant perspectives on the issue of concern should be represented in a balanced manner to achieve a sound, consensual and legitimate outcome.”¹⁸ However, the political environment in Pakistan, particularly in 2016, was not conducive to this. Instead, the cybercrime law advocacy experience exposed the rift between internet governance stakeholders. At the same time, the experience also highlighted the immense need for effective discussions between these stakeholders.

The idea of a national IGF is conceived

It was during the advocacy for a progressive cybercrime law that a small group of digital rights advocates got together to brainstorm about the possibility of Pakistan’s first national IGF. Convinced that internet governance issues ran much deeper than this one law, the group contacted the global IGF Secretariat and started connecting with different stakeholders locally for the creation of the national MAG. The MAG initially included representatives of the digital rights community, the media, academia, industry, the legal community, the Ministry of Internet Technology (i.e. the government), parliament, the Pakistan Telecommunication Authority (PTA) and UNESCO. All in all, the MAG was strong and well placed to bring the support of the members’ respective communities. On paper, the initiative appeared to be going in the right direction.

However, as the coordination for the first MAG meeting began, different issues began to surface, ranging from mistrust within the government and other stakeholders to the very practical issue of a lack of resources. While any large-scale initiative ultimately has to tackle such teething problems, the general political environment in the country made the process more challenging than usual.

The following key issues deterred the Pakistan IGF initiative:

- *The narrative of “anti-state” civil society:* First and foremost, there was the issue of a complete trust deficit between the government and civil society. In addition to the direct confrontation between the government and digital rights advocates on the PECA, the government was additionally engaging in steps to monitor and restrict the operations of civil society in Pakistan.¹⁹ Government represent-

13 Khan, S., & Baig, A. (2016, 27 May). Prevention of Electronic Crimes Bill 2016 – Implications for Investigative and Public Interest Journalism. *Media Matters for Pakistan*. mediamatterspakistan.org/prevention-of-electronic-crimes-bill-2016-implications-for-investigative-and-public-interest-journalism

14 Media Matters for Democracy. (2016, 22 June). MMFD-PFUJ petition hearing in the Senate Standing Committee; the Chairman announces a sub-committee to jointly works towards consensus on PECB. *mediamatters.pk/mmfd-pfuj-petition-hearing-in-the-senate-standing-committee-the-chairman-announces-a-sub-committee-to-jointly-works-towards-consensus-on-pecb*

15 www.lawsofpakistan.com/wp-content/uploads/2016/07/the-prevention-of-electronic-crime-act-2016.pdf

16 Media Matters for Democracy, Bytes for All, Pakistan, & Association for Progressive Communications. (2016, 11 August). In spite of continued objections over serious human rights implications, Pakistan’s new cyber crime bill passes through. *Media Matters for Democracy*. <https://www.apc.org/en/pubs/spite-continued-objections-over-serious-human-righ>

17 It is important to note that the government, in particular the Ministry of Information Technology, has described the process of developing the cybercrime legislation as a multistakeholder process, owing to the fact that the government held multiple public consultations and civil society participation was facilitated with the Senate Standing Committee’s working group. However, these consultations remained symbolic and had little impact on the outcome. The challenge lies with the way the term multistakeholderism is understood. A 2007 study by Fransen and Kolk states that the term multistakeholderism is “poorly defined, and leaves ample space for interpretation so that even consultation processes or advisory roles, regardless of their impact on the ultimate policy outcome, may be portrayed as multistakeholder.” [cited in Hofmann, J. (2016). Multi-stakeholderism in Internet governance: putting a fiction into practice. *Journal Of Cyber Policy*, 1(1), 33. <https://www.tandfonline.com/doi/full/10.1080/23738871.2016.1158303>]. During the advocacy on cybercrime legislation in Pakistan, this vagueness in how multistakeholderism is understood was used by the government to discredit civil society.

18 Hofmann, J. (2016). Multi-stakeholderism in Internet governance: putting a fiction into practice. *Journal of Cyber Policy*, 1(1), 32. <https://www.tandfonline.com/doi/full/10.1080/23738871.2016.1158303>

19 Mukhtar, I. (2017, 23 June). 23 NGOs barred from operating in Pakistan. *The Nation*. nation.com.pk/national/23-jun-2017/23-ngos-barred-from-operating-in-pakistan

atives continued to paint civil society as being “hostile to the state”²⁰ and reports about new regressive laws concerning funding, registration and restrictions on NGOs were surfacing.²¹ Within this environment, moving towards a model of governance that was not just new to Pakistan but also demanded a cohesive and collaborative relationship with government functionaries became too huge a hurdle.

- *The multiple interests of multiple stakeholders:* The issue of conflicting interests of different communities is common across the world. The Pakistan experience was no different. While the tense relationship between the government and civil society in Pakistan is discussed above, the business and technical communities often collaborate with the state. In the case of the business sector, it does so even when state policies are intrusive towards its consumers, to protect its commercial interests.

Pakistan’s political history has created an additional stakeholder that, however, is not visibly present at the discussion table: the country’s powerful security establishment, which has a direct stake in how the internet is governed.²² Even as the PECA was being debated in the parliament, multiple news reports pointed towards the influence of the security agencies²³ in some of the most concerning sections of the draft law. However, the parties in power and security agencies have historically worked behind the scenes. Because of this, it was impossible to engage one of the most influential stakeholders at any level. Even if it were possible to somehow engage with the country’s security apparatus, a force that traditionally operates in secrecy and remains opposed to transparency is hardly likely to be open to an approach that is rooted in openness and transparency.

As can be seen from this, even though a wide range of stakeholders were represented in the MAG, it was unlikely that they could influence their communities enough to actually view the

IGF as a collaborative platform. The possibility of a positive outcome within a multistakeholder arrangement is increased with “mutual respect, understandings, learning and trust among stakeholders.”²⁴ However, given the context in Pakistan, respect, understanding and trust were scarce.

- *The elephant in the room:* The final challenge to hosting the Pakistan IGF was the lack of resources. The IGF process on principle is supposed to be open, inclusive and non-commercial. To be effective, a forum like the IGF should ideally include participation from global and regional internet policy experts who can help the local community contextualise national internet governance challenges within the larger global framework. In addition, to be truly inclusive, the forum should be big enough to accommodate participants from different communities and regions. All of this comes with a heavy price tag. At the same time, a forum that is held with government funding or commercial sponsorship is at risk of being biased to protect the interests of the sponsors.

For the Pakistan IGF, these issues meant focusing on development funding, which is harder to come by. It is usually a small pool of funds that different NGOs from the same country are competing for. It was therefore challenging to raise the requisite funds for the initiative. Additionally, as the Pakistan IGF was being planned, a rift within the digital rights community in Pakistan was increasing. The factors behind the rift were varied.²⁵ However, the fragmentation within the community further added to the challenge of raising sufficient funds for the national IGF.

The IGF that never was

The factors outlined above all combined to create an environment where hosting the Pakistan IGF became too challenging. In the very first MAG meeting, issues of trust, complicity, resources and the under-representation of different communities were raised. The Pakistan experience is also demonstrative of a

20 The Express Tribune (2016, 11 March). Crackdown on NGOs. *The Express Tribune*. <https://tribune.com.pk/story/1064161/crackdown-on-ngos>

21 Ministry of Interior – Pakistan. (2015, 2 October). New policy for NGOs prepared: Chaudhry Nisar. <https://www.interior.gov.pk/index.php/news-and-events/306-new-policy-for-ngos-prepared-chaudhry-nisar>

22 Rao, H. (2016, 20 October). Beware! ISI to take action against cyber criminals who breach national security. *Daily Pakistan Global*. <https://en.dailypakistan.com.pk/pakistan/beware-isi-to-take-action-against-cyber-criminals-who-breach-national-security>

23 Gishkori, Z. (2016, 20 October). ISI to take action against cyber crimes breaching national security. *Geo.tv*. <https://www.geo.tv/latest/118292-Govt-accepts-ISIs-role-in-taking-action-against-cyber-crimes>

24 Boström, M., & Tamm Hallström, K. (2013). Global multi-stakeholder standard setters: how fragile are they? *Journal of Global Ethics*, 9(1), 100. <https://dx.doi.org/10.1080/17449626.2013.773180>

25 Charges of sexual harassment against a MAG member from a civil society organisation divided the digital rights community in Pakistan. Eventually the accused filed a defamation case, denying the harassment charges. The original allegations and the consequent case are both of a sensitive nature and are not being publicly pursued, so identifying details are being avoided. Media Matters for Democracy, as one of the organisers, was constantly approached by other stakeholders and civil society groups about the scandal, which also had an impact on the credibility of the initiative.

key issue that might resonate with digital rights advocates across the world: the minuscule number of people and organisations who understand and identify with the cause of digital rights.

In Pakistan, the number of organisations focusing on digital rights is less than 10. On TV and in newspapers, one sees the same names again and again, stressing the need for open, transparent and rights-based internet governance processes. The failure of digital rights advocates to mainstream these issues and create allies within the media and the larger human rights community has also made it difficult to have any real and direct impact on policy processes. The government finds it relatively easy to discredit the few vocal activists and the term “alarmists” appears apt when the number of voices raising the concerns is so small.

Regional reflection

The fragmentation between different internet governance stakeholders in Pakistan is demonstrated in the country’s participation in regional and global IGFs. A look at the participants in the last few IGFs will reveal a small number of activists and one or two government functionaries in attendance, and extremely few journalists. Sessions led by Pakistani activists and organisations both at the global IGF and the Asia Pacific Regional IGF (APrIGF) remain devoid of any government participation. In fact, it is rare to see any interaction between the two sides at any of these platforms.

However, the participation of the few activists who attend remains strong – at the 2017 regional IGF, Pakistan-based organisations hosted and participated in various sessions, focusing on a diverse set of issues ranging from freedom of expression online to the online harassment of women. Unfortunately, while activists are able to connect the local issues to global challenges, it has been difficult to plug these debates into local internet rights advocacy efforts. During the advocacy on the PECA, for example, it was obvious that officials at the Ministry of Information Technology and the Federal Investigative Agency were either unaware of or unwilling to pay any heed to human rights standards in internet governance processes, demonstrating the disconnect with the global debate on these issues. In addition, the mainstream media, which could technically be a strong ally, demonstrated a similar disconnect. This shows that the small number of local participants in global and regional IGFs have been unsuccessful in pushing for the link between global best practices and the local context to be recognised in engaging a larger stakeholder group.

Conclusion

The challenges discussed here are not unique to Pakistan. Regionally, as well as globally, digital rights advocates face similar hurdles. The security narrative that allows governments to gain public support even as they clamp down on civil liberties often brings activists in direct confrontation with the government. Within the digital realm a key aspect of human rights is connected to data security and privacy. Because of this, activists also find themselves in conflict with corporations who benefit tremendously from the collection and commercialisation of big data. Corporations and states both benefit from mutual cooperation and therefore civil society is often the odd person out.

The Pakistan experience has lessons for all those who want to host a national IGF. Months of planning and outreach, and the subsequent direction that the initiative took, have made one thing abundantly clear: unless internet rights activists can work as a united force and engage mainstream human rights stakeholders, real contributions to policy processes will remain difficult.

Finally, it is important to remain realistic and grounded. A grand event that brings global champions of digital rights to your country would be ideal, but a forum of this scale requires huge resources. It might be best to look for a more diverse set of funding sources than usual.

Action steps

To ensure that the local internet governance and internet rights discussion benefits from the global and regional discussion, civil society needs to find ways to increase its outreach to different stakeholders and push digital rights issues into the mainstream.

This means researching the links between global best practices and the local context, and developing tools to raise awareness among the media, stakeholders not engaged in digital rights, and internet users in general.

Given that the mainstream media in Pakistan is instrumental in setting the public agenda and putting pressure on the government, it has to be encouraged to reflect a human rights approach to internet governance.

Finally, renewed efforts to engage key stakeholders to enable Pakistan’s first national IGF are urgently needed. Part of this involves addressing the fragmentation in the digital rights community, which is easy to exploit by those who want to defeat human rights in the country. The fragmentation can also result in a lack of synergy in advocacy efforts, and a weak overall impact of advocacy work. It is important for organisations to unite and work beyond their differences.

PANAMA

THE IMPACT OF REGIONAL INTERNET GOVERNANCE FORUMS ON THE HOST COUNTRY: THE EXPERIENCE OF PANAMA HOSTING THE LACIGF



IPANDETEC

Rafael Goldzweig and Lia Hernández
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Introduction

IPANDETEC had the unique opportunity to be the host organisation for the 10th Preparatory Meeting for the Internet Governance Forum for Latin America and the Caribbean (LACIGF),¹ an event that brought hundreds of people from the internet governance community in the region to Panama City on 2-4 August 2017. For an organisation founded in 2013, hosting the LACIGF represented a big step for IPANDETEC, increasing its visibility and involvement in the internet governance process in the LAC region.

As a central actor in the process of hosting the event, IPANDETEC was able to understand more clearly the needs and challenges behind regional IGFs. In this sense, we could see that the process had two main dimensions that demanded a critical assessment.

The first deals with the impact of such an event on the internet governance environment locally, in this case in Panama. Considering the incipient state of the discussion of internet governance issues in Panama and the need to continue advancing the internet governance agenda nationally, the role of LACIGF 10 in mobilising and activating the internet governance agenda in the national context needs to be assessed.

The second deals with the challenges involved in organising and making an event of this magnitude happen. In this regard, we will briefly consider the preparation of the event in light of the challenges we faced, and the process of involving different stakeholders in the region.

National context: The consolidation of an internet governance ecosystem in Panama

Panama was selected among seven other candidates to be the host of the 2017 LACIGF. The selection was the culmination of the efforts of recent years to establish a national community of stakeholders involved in the internet governance agenda – a

process that is important to acknowledge to properly understand the relationship between national efforts and the regional forum.

The initial talks around establishing an internet governance community in Panama date back to April 2013, when the government hosted the 5th South School on Internet Governance (SSIG).² This event was organised by the National Authority for Governmental Innovation (AIG)³ and SSIG, and aimed at training and motivating Latin Americans to join the international debate on internet governance.

The event brought important actors involved in the internet governance ecosystem in Latin America to Panama, and mobilised representatives of the public sector – such as the AIG, the National Authority of Public Services (ASEP)⁴ and the Ministry of Commerce and Industries (MICI) – as well as the academic and technical communities of the country, represented by the Network Information Centre of the Technological University of Panama (UTP),⁵ better known as NIC-Panama.

A year later, in April 2014, a group of key players from the Panamanian digital ecosystem⁶ met at the NETmundial event in Brazil,⁷ which brought together different stakeholders from around the world to discuss and shape the principles of internet governance. The same group met once again at the 7th LACIGF, held in San Salvador, El Salvador in 2014, and at the 8th LACIGF in Mexico City, in 2015. Back in Panama, they engaged in a series of meetings with the purpose of putting together representatives of the different parties interested in the development of internet governance in the country.

During 2016, prior to the 9th LACIGF held in Costa Rica in July, IPANDETEC organised a series of three public forums to inform and involve a broader audience, such as teachers, students, businesspeople and government entities not already involved in internet governance, and civil society in general. Through a series of six meetings convened by IPANDETEC

1 <https://lacigf.org/en/lacigf-10/#1496775922148-e699f39e-d82a>

2 More information on the South School can be found here: www.utp.ac.pa/escuela-del-sur-de-gobernanza-de-internet-panama-2013

3 www.innovacion.gob.pa

4 asep.gob.pa

5 www.nic.pa

6 Edna Samudio de Jaén, NIC-Panama; César Díaz, LACNIC; Pablo Ruidíaz, AIG; and Lia Hernández Pérez, IPANDETEC.

7 netmundial.br

(civil society), and sponsored by AIG and ASEP (public sector), UTP (technical and academic sector) and the Panamanian Chamber of Information Technology, Innovation and Telecommunications (CAPATEC)⁸ (business sector), a working group was created to reinforce the commitment of all stakeholders. This process culminated in the organisation of the first Internet Governance Dialogue Table in April 2017⁹ – the talks that have started the work towards a national IGF in Panama – just when the Panama chapter of the Internet Society¹⁰ was established and shortly after the nomination of IPANDETEC as the host organisation of the 10th LACIGF.

The facilitation of participation in both regional and international governance forums in Panama influenced the national policy process because it brought different stakeholders around the same table. In particular, by bringing together experts from different sectors in Panama, both the NETmundial meeting and the LACIGF played an important role in fostering the creation of a group made up of people engaged in internet governance issues in the country. The two regional initiatives also helped by providing the expertise and the contacts of people in other countries across LAC who shared best practices in establishing a national and regional community focused on internet governance.

Strengthening cooperation and awareness

The national internet governance ecosystem in Panama has become more active since IPANDETEC was awarded the opportunity to host the 10th LACIGF in March 2017. With a view to holding the event in August 2017, actors involved in the consolidation of a national edition of the IGF were committed to ensuring the success of the discussion panels that were an integral part of the regional event. We believe that, without the LACIGF on the horizon, stakeholders in Panama would not have been mobilised enough to organise the first Dialogue Table back in April 2017.

Initially, the public sector's participation was timid, but it ended up being a very active and supportive actor,¹¹ especially after the decision that Panama City would be the host city. This enthusiasm, however, was not shared by the private sector, which remained distant from the evolution of the internet governance talks. To improve the

participation of the private sector on the event's panels and in discussions, we decided to work through the Programme Committee.¹²

In this regard, we consider the participation of actors such as CAPATEC, the Chamber of Commerce and Industry of Panama (CCIP) and Cable Onda,¹³ a major internet provider in the country, a success. They got together to discuss topics such as the digital economy and the future of the internet in Panama.¹⁴ These were fruitful exchanges that demonstrated their increasing interest in topics that go beyond questions related to the digital infrastructure of the country. They also explored the opportunities and benefits that information and communications technology (ICT) regulation can bring to the country.

We believe that the discussions opened doors for closer cooperation between stakeholders in the Panamanian context. While we cannot assess the full impact of the event with respect to the consolidation of stronger and more diverse internet governance deliberations in Panama at this point, we believe our relationship with the private and public sectors has been strengthened through the country hosting the LACIGF. We anticipate that public sector agencies involved in the event will help us include other relevant actors in the country, such as the Ombudsman, the Freedom of Expression Director and the Ministries of Education and of Social Development. Despite our close cooperation with the AIG in the months prior to the event, we still need to foster the participation of other stakeholders in the process – especially ASEP, given its role in the regulation of telecommunications.

On the civil society side, we believe the event helped in increasing the awareness of internet governance issues among human rights groups in the country, but we still have a long way to go to get their full support in national discussions on internet governance issues. Many human rights and advocacy groups are not aware of the importance of a free and safe internet in order to fully achieve their strategies, and in this sense we do not foresee any immediate improvement as a direct result of hosting the LACIGF.

8 <https://capatec.org.pa>

9 The report on the first Panama IGF Dialogue Table can be found here: www.igfpanama.pa/wp-content/uploads/2017/05/Relatoria-1era-mesa-de-diálogo_Abril-2017.pdf

10 www.isoc.org.pa

11 Especially the Authority for Governmental Innovation (AIG), with the kind support of Irving Halman.

12 The Programme Committee is responsible for the general coordination of the forum, as well as the suggestion of topics and speakers at the event. It is composed of three members selected by each of the following stakeholders: regional organisations representing the private sector, governments of the Latin American and Caribbean region, civil society organisations, and regional entities representing the internet technical community.

13 <https://www.cableonda.com/acerca-de-cable-onda>

14 More details on the programme of the LACIGF 10 can be found here: <https://lacigf.org/lacigf-10>

This may change. Increasingly, human rights groups are aware of the potential and risks of using social networks and online forums for their work. Topics such as fake news, hate speech, freedom of expression and privacy in the online sphere are gaining ground among these groups. In fact, IPANDETEC recently partnered with the Alliance for Equality on an initiative tackling the violation of the human rights of the lesbian, gay, trans, queer and intersex (LGBTQI) community online.

Where do we go from here?

It is hard to assess, such a short time after the event took place, what the full impact of hosting the LACIGF on the internet ecosystem in Panama will be in the long run. However, the positive response from the various actors involved both in the preparation at the Dialogue Table and during the event was definitely a good start for the country. The actors involved in the panel “The future of the Internet in Panama in the next five years”¹⁵ encouraged events like these to happen more frequently, opening doors to a more cohesive ecosystem in the years to come.

Our plan is to gather the stakeholders together again in the coming months in an event that will discuss the challenges and future of internet governance in Panama; in doing this we hope to consolidate the discussions started in the Panama LACIGF, and also to involve more actors in these discussions.

Regarding the event itself, some considerations should be taken into account as we continue to build an inclusive and participatory process in the region in order to make our voices stronger in other forums such as the global IGF. Throughout the whole process of organising the 10th LACIGF, the Programme Committee was a central actor in defining the topics for the panels, as well as the panel speakers, moderators and participants. In this process, the host organisation does not have any type of formal role for providing input or making suggestions, and it lacks the power to mediate in the selection of actors to be panellists or moderators.

We believe that the role of host has to be more active, beyond the performance of logistical tasks needed for the realisation of the event. Given its strategic position of being a national organisation, the host is the actor that is supposed to know more about the important actors involved in the internet ecosystem in the country and its

region – in our case, Central America – and would definitely be a good collaborator in shaping the event’s content.

The inclusion of key stakeholders in the event was nevertheless successful – but this happened less through formal channels than through behind-the-scenes suggestions made by the director of IPANDETEC, Lia Hernández, directly to some members of the Programme Committee. In this way she ensured that important Panamanian and Central American actors were included in almost all panels. This would not have been possible using formal consultation processes nor through the voting rights granted to Programme Committee members.¹⁶

Action steps

The following action steps are suggested for Panama:

- In the short term, we aim to reinforce the commitment of the actors involved in the LACIGF in Panama in order to foster their participation in the global IGF. Acknowledging that we made considerable advances in the last year in consolidating the internet ecosystem in the country, it is important to share our experiences at the IGF in Geneva in December.
- In the medium term, it is essential to sustain the inclusion of national actors in internet governance deliberations in Panama – especially the government regulatory bodies and the private sector. This needs to be done with the aim of strengthening national strategies, such as open government and data protection laws.
- Regarding civil society, it is important to increase awareness of why internet governance topics are essential for human rights defenders and activists. A second step would be to include human rights activists in the national internet governance talks.
- When it comes to the organisation of regional forums, we believe that empowering the host organisation is important and beneficial. There must be formal participation that goes beyond informal consultations and exchanges between the host organisation and the Programme Committee. In this sense, we call for a change in the statutes governing the LACIGF, in order to give the host organisation a voice in setting the agenda of the event.

¹⁶ More information on the Programme Committee can be found in its statutes, available at: <https://lacigf.org/wp-content/uploads/2017/03/lacigf-estatuto-es.pdf>

¹⁵ Ibid.

PARAGUAY

A COUNTRY WHERE “CLOUD” STILL MEANS RAIN¹



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Introduction

In this report we are going to share how internet governance has reached a rather backward country in South America, and suggest how the process is taking place in the context of structural, social, economic and political contradictions.

Despite holding three national Internet Governance Forums (IGFs),² and currently organising a fourth, the actual impact of the events on internet governance policy is questionable. Instead, what is most noticeable is how in our country, despite very favourable conditions, we end up missing out on opportunities.

It may be that the most relevant explanation is the one provided by Benjamin Fernández Bogado in his book *No Da Más* when he writes: “The Paraguay of democracy looks a lot like the one during the dictatorship.”³ Bogado argues that although there is no longer a tyrant ruling the country, Paraguay has several tyrants who reproduce the behaviour that guided earlier generations. He writes: “They have no pity, no sense of history, and even less commitment to the future.”⁴

My modest contribution in this report is to suggest that a future determined by selfish politics, mediocre education, a corrupted state and an unfair economy will continue to determine Paraguay’s fortunes in a world that is global, digital and very closely interconnected.

Political, economic and policy context

After the recovery of the rule of law in 1989 following a 35-year dictatorship, Paraguay suffered a period of political instability which ended in the parliamentary coup that removed President Fernando Lugo from power in June of 2012,⁵ a few months before the end of his presidential term. From February 1989 until August 2017, the country has had eight presidents.⁶ According to the country’s constitution (1992), their terms should last five years, but they have only lasted an average of three each. This shows the weakness of democratic institutions in the country, and naturally, the absence of stable state policies.

It is a paradox that under these conditions, the economy in Paraguay is one of the fastest-growing in South America. The country’s gross domestic product (GDP) grew some 24% over the last five years, according to the annual report from the Economic Commission for Latin America and the Caribbean (ECLAC).⁷

The lack of political continuity has generated erratic behaviour when it comes to internet policy. Several government organisations were formed that sporadically participated in internet governance discussions, until the end of 2013, when the National Secretariat for Information and Communications Technologies (SENATICs) was created.⁸

But while SENATICs⁹ has brought stability to the policy-making institutional environment, its role and autonomy have sometimes been obstructed by other institutions such as the telecoms regulator, CONATEL,¹⁰ and the Ministry of Foreign Affairs. The latter participates in events depending on how important they are and on which stakeholders are participating – in others words, while it undermines the independence of SENATICs, its participation in

1 Paraguay is a sub-tropical country, with trees that easily reach 15 and 20 metres in height. In rural areas, it is common to see a peasant climb to the top of a tree with a mobile phone, searching for a signal in order to be able to talk to his children who have migrated to another city or abroad. In Asunción, the country’s capital city, modern businessmen working from the 25th floor move data to the “cloud” with a single click, while in rural areas, a cloud is still and only an announcement of rain.

2 The first one was held on 4 October 2014.

3 “No da más” can be roughly translated as “This cannot continue.” Fernández Bogado, B. (2017). *No Da Más*. Asunción: Editorial Libre.

4 Ibid.

5 https://elpais.com/internacional/2012/06/23/actualidad/1340409945_936908.html

6 <https://www.geni.com/projects/Presidents-of-Paraguay/16459>

7 www.lanacion.com.py/2017/01/30/paraguay-la-economia-mas-avanzo-pib-sudamerica

8 https://www.senatic.gov.py/application/files/2414/5200/6345/ley_4989_senatic.pdf

9 <https://www.senatic.gov.py>

10 www.conatel.gov.py

internet governance debates is inconsistent. The same pattern of behaviour has been seen with the country's three IGFs.

Despite open government policies¹¹ promoted by the Secretariat of Technical Planning (STP), the government is still using selective criteria in deciding which information to share with the public, and can be secretive about its agenda, a tendency regularly criticised by the media. High-level policy decisions have limited public engagement, while more operational roll-out plans regarding the development of the internet are more transparent.

As a result, the behaviour of the government, which regards itself as “the most transparent in the history of Paraguay”,¹² does not facilitate a balance among the different stakeholders who participate in the internet governance process.

Bringing stakeholders together

I believe that despite the obstacles mentioned in the previous section, the IGF in Paraguay has been able to consolidate itself as a space for national dialogue. In the planning for each event, priority issues are defined based on surveys regarding what is most important for society. What is most significant is the leadership role that the Paraguay IGF plays in the internet governance debate, fostering a space where the points of view of all interested parties can be shared.

Both civil society and academia have been very active in the IGFs, and have shown that they can influence debates, but without over-determining their outcome.

At all the national forums, civil society has played a leading role in the initial call for participation and in the execution of the organisational activities themselves. The organisation of the debate roundtables have the participation of organisations such as CONATEL, the state-owned telecoms company COPACO,¹³ the Paraguayan Chamber of Electronic Commerce (CAPACE),¹⁴ universities, and other occasional stakeholders such as private sector companies.

The media are not excluded from the local IGF processes, but unfortunately, they limit themselves to covering the event in general terms, rather than dealing with the topics discussed in detail.

While this shows that key stakeholders have been engaged in the IGF, we still have some way to go to make the IGF truly multistakeholder. Firstly, there is in general a low level of participation from stakeholders,¹⁵ even though some key sectors are represented. Secondly, important actors and communities are left out of the IGF process.

Although the government actively participates – through, for example, SENATICs offering its offices for preparatory meetings for the IGF – this is not the case with other government institutions, whose officials have not received a specific mandate to be involved. Although they occasionally participate in regional or global forums, it is unlikely that they will share lessons learned with other stakeholders or apply best practices from other countries in the region in the local context.

Two institutions that should have participated more in the IGFs are the Ministry of Education and the Office for Childhood and Adolescence. Working with UNICEF and other organisations, the two have organised interesting campaigns¹⁶ dealing with violence against children and adolescents online, and their digital rights.

Telecommunications service providers have also been absent from the IGFs, even though they have been specifically invited to participate each year. Currently, their absence means that the interests and goals of those who manage the Paraguayan telecommunications market and who are powerful economically are not represented in the discussions.

Women's groups who have worked for many years on gender issues, both in rural and urban areas, have not engaged in the IGF. Highlighting gender issues is a good example of one of the issues that we have struggled to foreground at the forum over the years. As a result, a specific effort has been made to include them in the fourth forum being held this year.

Similarly, with regard to representatives of underserved or rural communities, their participation is practically nil; and the projects that have been developed regarding access to the internet, literacy, introducing computers to classrooms or the launching of websites for rural communities have nothing to do with the IGF.

11 www.gobiernoabierto.gov.py

12 While addressing the UN General Assembly in September 2017, President Horacio Cartes claimed that during his tenure, the political culture of the country would be transformed by promoting transparency and opportunities.

13 <https://www.copaco.com.py/portal>

14 www.capace.org.py

15 A total of 87 people participated in the first forum, 143 in the second, and 305 in the third, according to the registration records of participants.

16 https://www.unicef.org/paraguay/spanish/32252_36369.html

Saying no to “oparei”

Paraguay’s Guaraní culture has a popular and widely used expression: *oparei*, meaning “it ended in nothing”.¹⁷ “Oparei” is the total opposite of “efficiency and efficacy” and other concepts used recently by President Horacio Cartes in his speech at the UN, where he also talked about the transformation of Paraguay’s way of doing things: “During my government, a political culture based on patronage has been transformed into a model of transparency, access to public information, and greater opportunity.”¹⁸

However, the fact that Paraguay has organised three consecutive national IGFs and is about to organise the fourth one, set for 30 November, has not always translated into concrete and actionable policy outcomes. In other words, sometimes one feels a sense of *oparei* because of the lack of policy impact.

We interviewed Natalia Enciso from the Paraguayan chapter of the Internet Society (ISOC), who gave the following explanation for the low participation of representatives from Paraguay in the regional forums:

This is a very sensitive issue, as participation in any of the forums is limited to obtaining external financing in order to be able to participate. There is no aid from the state or from local companies in order to ensure Paraguayan representation either in the national or regional forums. That is why the Paraguayan participation is always very scarce, and the people who participate vary. To date, there is still not an organised and united participation from our country’s delegates, and this would be one of the main deficits I have observed at the local level.¹⁹

Despite efforts to attract marginalised groups and communities to the IGF, I consider it necessary that issues that are very close to the needs of the people are more forcefully pushed onto the agenda, in order to take the IGF away from the usual spaces, and to make it relevant to the more dynamic sectors of Paraguayan society. I believe that we have the moral duty to do this: internet service providers and telecommunications companies do not see internet governance from the perspective of access by people who are currently excluded, nor through a human rights lens.

Setting the agenda

In February 2017 the Multistakeholder Advisory Group (MAG) for the global IGF was approved and the new list of elected members included Miguel Candia, from the Permanent Mission of Paraguay to the UN Office in Geneva, representing Paraguay. This gives our country visibility, and allows us to position some issues on the international scene. Although operating from offices in Geneva, Candia²⁰ is very involved in the IGF in Paraguay and participates actively, providing information about the global forum and allowing local stakeholders to stay abreast of the latest issues. We believe that new multistakeholder alliances can now be formed at the international level, allowing progress in Paraguay to be made more rapidly.

A key issue that was incorporated in the agenda in the last national forum was space for dialogue about internet governance participation in public policies. This included an analysis of successful models from the region where internet governance was successful. The models selected were: the Brazil Steering Committee (CGI),²¹ the Consultation Council of Costa Rica,²² the Federal Authority for Information and Communications Technologies of Argentina (AFTIC)²³ and the Grupo Iniciativa, Mexico.²⁴

Although the influence of regional and global issues has a certain impact on Paraguay, at the local level, our principal problem – due to our geographic situation of being a landlocked country – continues to be centred on access infrastructure. This is followed by concerns with issues such as human rights, cybersecurity and the digital economy. These will also need attention at the IGF, as will issues such as freedom of expression online, which recently received attention from the Special Rapporteur at the Inter-American Commission on Human Rights, and has been the subject of training workshops for journalists by organisations such as IPANDETEC²⁵ in Panama.

The principal goal of the IGF in Paraguay is to create a national forum that deals with internet governance and internet policies in a participatory, inclusive and transparent manner. There is consensus among stakeholders that there is a need for such a forum. It has been decided that next year’s

17 www.portalguarani.com/777_leni_pane/6529_los_paraguayismos_2005_por_leni_pane.html

18 www.ultimahora.com/cartes-habla-transformacion-la-cultura-politica-paraguaya-asamblea-la-onu-n1108832.html

19 Interviewed on 28 August 2017.

20 <https://www.intgovforum.org/multilingual/content/mag-2017-members>

21 www.cgi.br

22 www.ccnrs.com

23 www.enacom.gob.ar

24 www.facebook.com/IniciativaMex

25 www.ipandetec.org

IGF will be held in April 2018, to coincide with the national elections, and a new government offering a renewal of hope.

Conclusions

There is no doubt that Paraguay, being one of the countries with the lowest levels of connectivity in the region (33% of the Paraguayan population is online),²⁶ has experienced a significant leap in the last five years. But while there has been growth in demand for infrastructure, and a dynamism injected into industry and other sectors, there has not been the simultaneous modernisation of the state and a reduction of its powers. This has impacted on the performance of parastatal companies. For example, while private telecommunications providers have experienced exponential growth, COPACO is the worst performer in the country.²⁷

While the state remains the main employer in the country, and foreign investors take advantage of the tax haven offered by Paraguay, there is little investment in rural connectivity. Similarly, key sectors such as education are receiving little attention – the World Economic Forum ranks the country 131st out of 144 countries in an e-education index.²⁸

There is no doubt that the current model cannot continue.

In spite of having a small population, Paraguay has a history of large tragedies. First the Triple Alliance War, which wiped out the country's male population, leaving only women, children and older men to survive, then 35 years of dictatorship. But there are no more epic histories or wars ahead. The country suffers the absurdity of a parasitic political class with egotistical and greedy leaders locked in personal disputes. The new war has to be fought against a corrupt and oversized state that daily promotes an unfair economy that results in profound exclusions and the marginalisation of the country's people.

It is difficult to think about the democratisation of communications and access to new technologies without making profound changes that will contribute to the democratisation of society.

Action steps

The following action steps are suggested for Paraguay:

- It is necessary to strengthen the role of SENATICs as a vital part of the state mechanism for transparent and accountable internet governance. Civil society needs to support SENATICs to achieve this.
- It is important to continue to support the Paraguay IGF, to encourage the participation of more and diverse stakeholders, and diverse themes for discussion. It should be remembered that a greater number of participants does not mean more diverse participants, and organisers need to be vigilant that the interests of all communities, especially marginalised groups, are actively represented. Civil society should not be dependent on the state for money to secure its engagement in the IGF or in internet governance generally, but should seek independent funding sources to participate actively in shaping the future of the internet in the country. The use of technology to raise awareness and to debate issues at the IGF can also be improved, specifically the use of social media, and other online forums.
- Encourage the interest and participation of the youth in internet governance. While activists should seek to replicate successful global programmes and best practices aimed at young people in Paraguay, it is also necessary to create more spaces for debate in universities so that academics and students can talk about internet governance, and learn about the current and future trends. Internet governance as an issue should also be introduced at the primary and secondary school level to train future leaders and to encourage an active interest among the country's youth in how the internet is managed. Programmes that raise awareness of internet governance issues that are relevant to primary and secondary students – such as child safety online, cyberbullying, education and health – should be developed.

26 www.abc.com.py/edicion-impresa/economia/acceso-a-internet-se-duplico-en-5-anos-con-los-telefonos-inteligentes-1461285.html

27 www.paraguay.com/nacionales/la-expansi%C3%B3n-de-las-telecomunicacion-1248356

28 www.abc.com.py/edicion-impresa/locales/el-sistema-educativo-paraguayo-sigue-entre-los-peores-del-mundo-447311.html



Hiperderecho

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Introduction

Although the Internet Governance Forum (IGF) model is more than a decade old, its implementation is recent in the Peruvian digital ecosystem. This is mainly due to the small number of local actors, and the fact that there are few spaces for dialogue among them. It is partly because of this that a national IGF in Peru is a historic event.

This report offers an insider's account of setting up the national IGF in Peru – with the first event held in 2016, and the second in 2017. In particular, it looks at the challenges arising from the implementation of the core principles of the IGF model: openness, transparency, inclusiveness, and a bottom-up and non-profit approach. It considers internal dynamics in organising the events, challenges in bringing together a multistakeholder community, logistical issues such as funding, as well as challenges in selecting panellists and deciding on content issues.

This analysis may be interesting for those who want insight into the experience of setting up a national IGF in a country with a small digital ecosystem that is also unfamiliar with the IGF model.

Policy and political background

Peru is a democratic presidential republic that is governed through the classic division of powers: executive, legislative and judicial. Since 1980 we have had uninterrupted democratic elections and since 1990 economic growth has always been positive. Currently the country has a population of approximately 31 million people, a gross domestic product (GDP) per capita of USD 6,045.65, and an economy dependent on the export of unprocessed materials.

Like other countries in the region, the management model inside the government is mixed, with some entities that have strongly hierarchical and bureaucratic structures, and others that partially or totally follow the New Public Management paradigm. In the case of the internet, there are multiple offices dealing with its regulation, depending on the office's

hierarchical rank in government, or the internet layer over which it exercises some kind of influence (e.g. infrastructure, copyright, data protection, etc.).

In general, the process of formulating public policies relating to the internet is transparent, but in most cases it is not participatory, and when it is, it does not conform to a multistakeholder approach. Several entities with different levels of openness and transparency coexist in the government, such as the Digital Government Secretariat and the Ministry of Transport and Communications, which are relatively open compared to the Ministry of Interior and the Army, which are involved in the formulation of cybersecurity policy.

The small size of the digital ecosystem in Peru and the historic absence of interest groups other than telecommunication companies have generated an imbalance of power in the formulation of policy and regulation. In particular, civil society is under-represented. This is mainly because the spaces for public participation are scarce, they are discredited, or they have been captured by actors who do not have legitimacy. In addition, traditional human rights organisations have shown no interest in the impact of the internet on society and generally perceive it as simply a communications tool.

Inside the Peruvian IGF 2017: New actors, dynamics and challenges

Background

In the second half of 2015, the non-profit organisation Hiperderecho organised three meetings in Lima to promote the importance of discussing public internet policies. In each of them, representatives from the national IGFs of Argentina, Brazil and Mexico were invited to share their experiences with the attendees. At the end of the last session, it was concluded that the time was right to organise an IGF in Peru, and an open call to participate in the organising process was held with a deadline of January 2016.¹

After many prospective meetings, the organising committee of the Peruvian IGF was set up, composed of seven representatives from different sectors: Congress (government), the Ministry of Foreign Affairs (government), the Pontificia Universidad Católica del

¹ Hiperderecho (2015, 20 November). La experiencia mexicana de gobernanza de Internet. <https://goo.gl/4SNEAD>

Perú² (academia), Entel³ (private sector), the Peruvian Software Association⁴ (private sector), ONGAWA⁵ (civil society) and Hiperderecho (civil society). Hiperderecho was placed in charge of the secretariat without opposition from the other members. In general, coordination and decision making were done via the internet or through one-on-one meetings.

The first Peruvian IGF was held on 21 April 2016. Although humble, it was a historic occasion. It had four thematic panels, 21 invited speakers and a total attendance of 40 people. The initiative was recognised by the secretariat of the global IGF and listed among the IGF National and Regional Initiatives (NRIs).⁶ This not only gave international exposure to the event but also certified that it complied formally with the principles of openness, transparency, inclusiveness, and a bottom-up and non-profit approach.⁷

Call for expressions of interest

Although the 2016 Peruvian IGF marked an important milestone, the impact on the local ecosystem was less than expected. Two weeks earlier, general elections had been held to elect the new president and to renew the Congress for the 2016-2021 term. This meant that any discussion on internet governance was overshadowed by the political context. In addition, at the end of the event, the members of the organising committee did not keep up communications; some left their positions at their institutions and there were no further meetings.

Seeking to revitalise the interest of the community, in February 2017 Hiperderecho held a public meeting to share the final report of the IGF. During this meeting, the participants discussed several issues related to participation, the choice of panellists, and the representativeness of the actors involved in the event. The attendees also decided to start a working group to organise a new edition of the forum, building upon the experience of the previous one. At the end of the session, it was proposed that the Peruvian chapter of the Internet Society (ISOC)⁸ replace Hiperderecho in its role as coordinator of the group.

The new leading organisation dedicated its first efforts to seeking the support of new actors to form the organising committee for 2017. In addition to the stakeholders who attended the event in February,

the interest of other organisations from different sectors was achieved. Finally, in April of 2017, the new organising committee was formed by Red Científica Peruana⁹ (technical community), DN Consultores¹⁰ (private sector), Democracia y Desarrollo Internacional¹¹ (civil society), Hiperderecho (civil society) and ISOC Peru (civil society). The latter was placed in charge of secretariat duties without opposition from the other members. In the case of the government, due to changes in personnel, the committee was unable to secure the participation of any government entity.

Work dynamics

Despite the fact that the composition of the organising committee of both IGFs was similar in numbers, the work dynamics that emerged within each one were completely different. In the case of the IGF 2016, the committee faced two main problems: the lack of understanding of the multistakeholder approach by local actors and the lack of interest of the few who knew it. On the other hand, the biggest problem in 2017 was the distribution of tasks and the decision-making process for the event.

Unlike the previous year, the participation of the members of the organising committee in 2017 was proactive from the beginning. This was not only because of their interest in the event, but also because they wanted to achieve their own agendas. For example, the representative of ISOC Peru, who also represented Democracia y Desarrollo Internacional, expressed her desire to complement the IGF's activities with another event sponsored by the Internet Corporation for Assigned Names and Numbers (ICANN).¹² In turn, Red Científica Peruana, which was committed to participating in the ICANN event, expressed interest in supporting the IGF. Both Hiperderecho and DN Consultores were functional actors within that scheme.

The organising committee started working remotely and the first meetings were crucial to identify shortcomings in the previous process. The first finding of the new committee was that there were no clear-cut responsibilities for members. Nor were there standardised processes for certain functions, such as the selection of a venue for the event, the selection of speakers and securing funding. During the IGF 2016, the leading organisation was in charge of carrying out all the tasks, since the other members simply approved or voted against the decisions, which in practice gave it some autonomy. By contrast, for the IGF 2017, all

2 www.pucp.edu.pe

3 www.entel.pe

4 www.apesoft.org

5 www.ongawa.org

6 For further information, see the report on the Peru IGF 2016, available at: <https://goo.gl/GAjAVn>

7 www.intgovforum.org/multilingual/content/latin-american-and-caribbean-regional-group-grulac

8 <https://www.internetsociety.org>

9 www.rcp.net.pe

10 www.dnconsultores.com

11 democraciadigital.pe

12 <https://www.icann.org>

members were interested in decisions that favoured their agendas, and this was an important challenge to overcome in the decision-making process.

Fortunately, the tension was counteracted almost immediately by the action of another group of actors in the process: the sponsors. In 2016 the economic support for the IGF Peru was provided by Google, which again expressed its interest in supporting this initiative. But this time it played an additional role: offering technical advice on the organisation of the event. This kind of “external support” contributed to the subsequent distribution of responsibilities and it was seen as a good way to maintain good relations among the local actors. It also made it possible to add other sponsors such as Facebook, Asociación Latinoamericana de Internet (ALAI)¹³ and ICANN. Some of these organisations were also assigned some logistics functions.

With the distribution of tasks and financial problems resolved, the content of the IGF – the selection of topics, formats and panellists – was the exclusive responsibility of local actors. This meant that conflict was inevitable. In the case of selecting topics, although a public survey was conducted in 2016, this time the results were not binding and the final decision was to be taken by the committee, which approved the list of topics by simple majority. With regard to formats for presentation, there was an open discussion on whether it was appropriate to change the panel format, but ultimately this initiative did not succeed. However, there was a significant misunderstanding among members when it came to the selection of panellists.

We said at the beginning of this report that the internet ecosystem in Peru is small and, when it comes to discussions about information and communications technologies (ICTs), internet governance occupies a marginal space compared to other “hotter” topics (such as startups, e-commerce and fintech). In this sense it is not surprising that where there is discussion about internet governance there is the feeling of this involving the same people and organisations.

As was the case with other issues to do with content, the organising committee proposed panellists via email. The criteria that were taken into account were: (i) that the panellists needed to be experts on the topic; (ii) that there must be a balance among the stakeholders; and (iii) that there must be gender balance. In the first drafts of the proposals, only the first element was respected. This was partly because of the confirmation bias mentioned above, but also because of a lack of awareness among some members of the organising committee about the formalities required by the multistakeholder model. For instance, some of

the proposed panels were composed only of men – a situation that needed to be changed.

After a long process that included new proposals for panellists and several face-to-face meetings, the organising committee reached consensus on the final list of panellists by the end of May. Concessions were made to reach a consensus, and some panellists were asked to commit to additional responsibilities. The selection also depended on the availability of certain panellists. Two months earlier, the date of the IGF had been scheduled for June, so time also played in favour of finding a consensus on the panellist selection.

Finally, the second Peruvian IGF was held on 6 and 7 June 2017. It had seven thematic panels, 36 invited speakers and a total attendance of 173 people, of which 105 were men and 68 women. For the first time it included international speakers and remote speaker participation. For the second consecutive year it was recognised and listed as a national IGF initiative by the Secretariat of the global IGF.¹⁴

Achieving the core principles

In the previous sections we have described the dynamics involved in the organisation of the 2017 IGF in Peru. Next, we will identify more precisely how the principles of openness, transparency, inclusiveness, and the bottom-up and non-profit approaches were satisfied.

“Openness” was understood as the possibility of any person or organisation participating in the IGF and, potentially, becoming a panellist if they met certain requirements. In that sense, no one’s participation was formally restricted and registration was only a way of getting statistical information for the final report submitted to the global IGF Secretariat.

“Transparency” was understood as the duty of being accountable to the community. In this sense, efforts were focused on placing as much information as possible on the website set up for the IGF.¹⁵ However, currently the published information is limited to the formal records of the event (images, videos, etc.), but does not include information on the budget or decision-making mechanisms within the organising committee.

“Inclusiveness” was understood as providing spaces and tools for those who face barriers in participating in the IGF. In this regard, action focused on ensuring a gender balance within the panels and streaming the event, so that it could be followed and commented on by the public, especially those who do not live in Lima.

¹⁴ For further information, see the report on the Peru IGF 2017, available at: <https://goo.gl/bEnFMm>

¹⁵ www.gobernanzadeinternet.pe

¹³ www.alai.lat/en

The bottom-up approach was understood as the obligation to think about the organisation of the event from the perspective of the needs of the community. However, this principle was not well implemented in 2016 or in 2017 either. Firstly, it needs to be recognised that the internet community is not a coherent community, so identifying its needs is difficult. Secondly, regional examples seem to suggest that a certain level of centralism is desirable. For instance, the Latin American and the Caribbean IGFs organise surveys to decide the topics to be discussed during the meeting, but the survey results usually are not binding and the final word belongs to the organising committees. It is the same with the panellist selection and logistics.

Finally, the principle of a non-profit approach was understood as the ideal of not charging the attendees at the event or using the IGF as a commercial or promotional space for products. While the forum must be economically sustainable, it should not lose its legitimacy. So far, the sponsors have made their contributions without asking for unwarranted promotion, and have not interfered in content decisions, such as demanding that the organisers change the topics set up for discussion, or rejecting proposals for panellists.

Regional reflection

Looking at other experiences in the region, we can say that the Peruvian IGF has experienced a rapid evolution in the way it is organised. The first event in 2016 faithfully represented the way in which these initiatives typically begin: a single motivated actor takes all the responsibility and builds a model that includes other stakeholders, but they play a passive role. However, the 2017 event experienced a paradigm shift because new players and different stakeholders got involved and new work dynamics were created. These dynamics involved new ways of negotiating power.

There is currently very little connection between the Latin American and Caribbean regional IGF (LAC-IGF) and the Peruvian process. This is because the government of Peru has always remained indifferent to the LACIGF and therefore its impact in the country is low. However, for several years different civil society organisations have participated in the LACIGF, from which they have extracted experiences that may eventually be implemented in the mid-term in Peru. The same conclusions about Peru's participation in internet governance can be reached regarding the global IGF.

Conclusions

The 2017 Peruvian IGF represented a qualitative leap forward compared to the 2016 event. The participation of the stakeholders was strengthened, there was greater diversity among panellists and attendees,

logistics were improved, and the number of sponsors grew considerably. However, there were also some problems arising from the inexperience of stakeholders concerning the multistakeholder model, and the constraints of the local internet ecosystem (e.g. lack of interest and capacities and a high level of fragmentation inside the community).

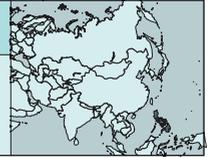
In spite of this, compliance with the core principles of the IGF has been a central concern and in most cases a satisfactory level of adherence to these principles has been achieved. Likewise, the interpersonal and stakeholder dynamics that have emerged are not different from those that arise in other areas of coordination and governance, and are healthy if these issues do not compromise the principles. Maybe the inclusion of a third party as a coordinator, perhaps from another country, could make the work of the local organisations involved easier.

In the coming years it is expected that the number of actors involved in internet governance will increase. Therefore it is necessary for the current leaders of the Peruvian IGF work to consolidate an organisational structure that allows new stakeholders to participate in an organic way, to help develop the Peruvian digital ecosystem as we work towards the future.

Action steps

The following action steps can be suggested for Peru:

- In order to address most of the problems identified in this report, civil society actors must consolidate the IGF as a space of common interest that the society as a whole needs to preserve, based on its essential principles.
- In order to gain the interest of other actors, it is necessary to build awareness among different sectors and groups, and to develop narratives that build meaningful links between the internet and key points on the public agenda such as health, work and the fight against corruption.
- The government needs to be encouraged to participate in the IGF, both nationally, regionally and globally. In order to create a link between the Peru IGF and regional and global forums, the government should be encouraged to participate actively in these spaces. It is necessary for the government to understand the political importance of participating in the IGF, and the positive impact that the IGF can have on its work.
- The former and current organisers of the Peru IGF need to standardise some processes and make them public so that the community knows how this event is organised and it is easier for new actors to become involved in the future.



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www.fma.ph

Introduction

Since the inception of the Internet Governance Forum (IGF) in 2006, the Philippine government has not participated in the global forum. Until recently, its record in the regional edition – the Asia Pacific regional IGF (APriGF) – was not much better. Such indifference to a valuable multistakeholder setting for policy discussion is unfortunate, but also curious, given that the country has had an office (now an agency) overseeing its information and communications technology (ICT) system for quite some time.

For critics, its apparent disinterest in the IGF keeps the country out of step with the world when dealing with internet governance issues. Others consider it a major obstacle to plans for a local IGF, where an informed and active government is critical as co-convenor. Available evidence suggests this state of affairs is not due to a conscious decision to avoid engagement with the international community. There is, after all, government involvement in other forums and meetings such as International Telecommunication Union (ITU) events. Neither has it been for want of advocacy by civil society, which regularly urges authorities to attend the IGFs. Whatever the underlying reasons, identifying and addressing them is crucial to ensuring an inclusive and comprehensive approach to policy development in internet governance in the Philippines.

Policy, economic, and political background

The Philippines is characterised as a flawed democracy for failing to measure well in some important parameters, like the protection of basic human rights, or the quality of governance.¹ The current administration of President Rodrigo Duterte exemplifies this, given its violent campaign against drugs and terrorism, which is marked by police abuses,² and the over

14,000 lives lost to law enforcement operations and extrajudicial executions.³ An island region is under martial law purportedly to address a local terrorist group affiliated with the so-called Islamic State.⁴ Unmoved by criticisms, the president is content with the status quo and has even expressed a willingness to extend and expand his anti-narcotics crusade and martial law rule. Because of this, the country has a strained relationship with the global community.

Duterte's penchant for vulgar language, including his outrageous claims⁵ and antics,⁶ have aggravated an already tense diplomatic atmosphere. Traditional checks and balances are currently impaired, with Congress content on rubberstamping the president's favoured policies, however ridiculous.⁷

The political climate has cast a long shadow over the stability of the local economy.⁸ The inflation rate is on a steady rise,⁹ while the overall business confidence index has taken a dip for the third quarter of 2017.¹⁰ At the same time, past gains in foreign debt service stand to be erased by the anticipated loans from China negotiated by the current regime.¹¹ Rampant corruption is once again the norm and has placed the country at the bottom half of

1 Gonzales, J. (2010, 6 June). The Philippines: A flawed democracy? *CNN iReport*. www.ireport.cnn.com/docs/DOC-455764
 2 Cupin, B. (2016, 1 July). Duterte to PNP: "Do your duty and I will die for you". *Rappler*. www.rappler.com/nation/138296-duterte-ppnp-duty-die-for-you

3 Tolentino, M. R. (2017, 1 September). PNP wants P900 budget for Tokhang. *The Manila Times*. www.manilatimes.net/npn-wants-p900-budget-tokhang/347935
 4 Morales, Y. (2017, 24 May). Duterte declares martial law in Mindanao. *CNN Philippines*. www.cnnphilippines.com/news/2017/05/24/Duterte-declares-martial-law-in-Mindanao
 5 Philippine Daily Inquirer. (2016, 4 June). Now, Duterte launches attack on UN. *Philippine Daily Inquirer*. www.globalnation.inquirer.net/139888/now-duterte-launches-attack-on-un
 6 BBC. (2016, 21 August). Philippines' Rodrigo Duterte threatens to leave UN. *BBC News*. www.bbc.com/news/world-asia-37147630
 7 Cupin, B. (2017, 13 September). How the house voted for a P1,000 CHR budget. *Rappler*. www.rappler.com/nation/181973-how-house-voted-2018-chr-budget
 8 De Vera, B. (2016, 10 October). Economists give mixed views on Duterte's first 100 days. *Philippine Daily Inquirer*. www.business.inquirer.net/216378/economists-give-mixed-views-dutertes-first-100-days
 9 Philippine Daily Inquirer. (2017, 10 February). BSP raises inflation forecasts for 2017, 2018. *Philippine Daily Inquirer*. www.business.inquirer.net/224315/bsp-raises-inflation-forecasts-2017-2018
 10 Dela Paz, C. (2017, 25 August). Business confidence in PH plunges to 3-year low. *Rappler*. www.rappler.com/business/180030-business-confidence-philippines-bsp-q3
 11 Corr, A. (2017, 13 May). New Philippine debt of \$167 billion could balloon to \$452 billion: China will benefit. *Forbes*. www.forbes.com/sites/anderscorr/2017/05/13/new-philippine-debt-of-167-billion-could-balloon-to-452-billion-china-will-benefit/#621b4e6c2fb6

Transparency International's Corruption Perceptions Index.¹² The removal of some state officials accused of graft¹³ gives little relief, with the president himself admitting to such practices in the past.¹⁴

More Filipinos are online than ever before: 60 million of an estimated population of 101 million are considered internet users,¹⁵ with a median age of 24.¹⁶ The mobile internet penetration rate is growing at a pace of 1.5 times annually or 30 million new users every year.¹⁷ In social media, Filipinos reign supreme, with users growing by 25% (12 million) in 2017 alone at the time of writing. Facebook has 47 million active accounts in the country.¹⁸ The average time spent on social media platforms increased from 3.7 hours a day in 2016 to 4.3 hours in 2017.¹⁹ This makes social media the top reason (47%) for people to be online, followed by online shopping, watching videos, mobile games, and location-based searches.²⁰ The country is also considered the fastest growing application market in Southeast Asia.²¹ Unfortunately, there is a damper to the optimism that all these statistics generate: the country's bottom-dweller ranking in the Asia Pacific region²² – and globally²³ – in terms of average internet speed.

Dynamic relations in a stagnant environment

The Philippine internet ecosystem is divided into two worlds, with the government on one side and the private sector – mostly telecommunications

companies, as internet service providers (ISPs) – on the other. Somewhere in between lie civil society (including academia), the media and consumers.

From a regulatory standpoint, two government agencies are mandated to ensure access to affordable and reliable ICT services: the Department of Information and Communications Technology (DICT)²⁴ and the National Telecommunications Commission (NTC).²⁵

The DICT takes the lead and is tasked to plan, develop and promote the national ICT development agenda.²⁶ Established only in 2016, the agency has three major projects for implementation: the National Broadband Plan, free Wi-Fi in public places, and a national ICT portal. The National Broadband Plan envisions open, pervasive, inclusive, affordable and trusted broadband internet access.²⁷ Key activities include policy reforms and investments in broadband infrastructure. In line with a new law,²⁸ the agency also seeks to provide Wi-Fi services in public areas such as parks, public schools, public health units, public transport terminals and government facilities.²⁹ Finally, the DICT also plans to provide a one-stop-shop of online government services through the National Government Portal (NGP)³⁰ with a view to improving the country's ranking in the United Nation's E-Government Development Index.³¹

The NTC is attached to the DICT by law. It is responsible for the regulation of the country's radio communications, telecommunications and broadcasting, including cable television facilities and services.³² Created in 1979, it has amassed a number of functions prescribed by different policies over the years.³³

For the Duterte government, ICTs play an important role in the realisation of the country's long-term

12 www.transparency.org/news/feature/corruption_perceptions_index_2016; see also: ABS-CBN News. (2017, 25 January). PH still among world's most corrupt countries: Transparency Inter'l index. *ABS-CBN News*. www.news.abs-cbn.com/focus/01/25/17/ph-still-among-worlds-most-corrupt-countries-transparency-intl-index

13 Placido, P. (2017, 5 October). Duterte says he fired two Palace employees over corruption. *ABS-CBN News*. www.news.abs-cbn.com/news/10/05/17/duterte-says-he-fired-2-palace-employees-over-corruption

14 Adel, R. (2017, 11 July). Trillanes: Duterte corruption 'admission' ground for ombudsman probe. *PhilStar*. www.philstar.com/headlines/2017/07/11/1718581/trillanes-dutertes-corruption-admission-ground-ombudsman-probe

15 Subido, L. (2017, 24 January). Growing 27% in 2016, PH now has 60 million internet users. *Entrepreneur Philippines*. www.entrepreneur.com.ph/news-and-events/ph-now-has-60-million-internet-users-growing-27-in-2016-a36-20170124

16 Rappler. (2017, 30 January). A profile of internet users in the Philippines. *Rappler*. <https://www.rappler.com/brandrap/profile-internet-users-ph#sources>

17 Ibid.

18 Ibid.

19 Subido, L. (2017, 24 January). Op. cit.

20 Rappler. (2017, 30 January). Op. cit.

21 Ibid.

22 Olandres, A. (2017, 1 June). Akamai Q1 2017 Report: Philippines dead last in Internet speeds. *Yugatech*. www.yugatech.com/internet-telecoms/akamai-q1-2017-report-philippines-dead-last-in-internet-speeds/#CsrWK7lj1KHoTupw.99

23 Rappler (2017, 16 August). PH mobile internet speed ranks 100th in first Speedtest rankings. *Rappler*. www.rappler.com/technology/news/178792-philippines-rank-speedtest-global-index

24 www.dict.gov.ph

25 www.ntc.gov.ph

26 www.dict.gov.ph/republic-act-no-10844

27 Department of Information and Communications Technology. (2017). *National Broadband Plan: Building Infrastructures for a Digital Nation*. www.dict.gov.ph/wp-content/uploads/2017/09/2017.08.09-National-Broadband-Plan.pdf

28 Republic Act. No. 10929, also known as the Free Internet Access in Public Places Act.

29 Ranada, P. (2017, 3 August). Duterte signs law providing free internet in public places. *Rappler*. www.rappler.com/nation/177540-duterte-free-wifi-internet-law

30 www.i.gov.ph/ngp1

31 www.publicadministration.un.org/egovkb/Data-Center

32 www.dbm.gov.ph/wp-content/OPCCB/OPIF2012/OEO/NTC.pdf

33 Act No. 3846 (Radio Control Law), as amended; Republic Act No. 7925 (Public Telecommunications Policy Act of 1995); Executive Order No. 546 (1979) and Executive Order No. 205 (1987).

vision.³⁴ In his 2017 State of the Nation Address,³⁵ the president vowed to support efforts in improving the country's internet connectivity, given its crucial role in the advancement of the economy.

In the private sector, two telecommunications giants dominate the market: Philippine Long Distance Telephone (PLDT)³⁶ and Globe Telecom.³⁷ Having consistently promised to improve internet services, both are regularly called out for the subpar quality of the nation's internet connectivity, which is slow and expensive.³⁸ In 2015, an attempt was made by San Miguel Corporation (SMC), the country's largest beverage, food and packaging company, to break the duopoly through a possible joint venture with Australia's Telstra.³⁹ It did not push through,⁴⁰ and eventually led to PLDT and Globe buying SMC's telecommunications unit,⁴¹ successfully quelling another challenge to the status quo.

Civil society organisations have been the most active in local discussions regarding the state of the internet. For groups like the Foundation for Media Alternatives (FMA), for instance, which adhere to the belief that ICTs are critical tools for democratisation and popular empowerment, people both have a right to access the internet and rights while using it.⁴² Other groups like the local chapter of the Internet Society⁴³ (ISOC-PH)⁴⁴ and

Democracy.net.PH⁴⁵ prioritise issues and policies that relate to the technical side of the web. ISOC promotes an open and free internet, and draws on local and regional perspectives from its chapters across the globe.⁴⁶ For Democracy.Net.PH, internet accessibility for all is paramount. It led the drafting of a bill providing for a "Magna Carta for Philippine Internet Freedom".⁴⁷

The media and academia have yet to assert themselves prominently in the local discourse. At present, they are too easily swayed by the sentiments and positions of other stakeholders.⁴⁸

This year, a study conducted by the Philippine Institute for Development Studies classified the country second weakest among Southeast Asian nations in terms of its telecommunications regulatory environment, scoring below the standards set by the ITU.⁴⁹ The existing regulatory authority, its mandate, regulatory regime, and the prevailing competition framework were all considered. Contributing factors included: a) absence of a unified licence for telco operators; b) lack of incentive for telco operators to make information about interconnection publicly available; c) lack of mobile number portability; d) lack of a regulatory mandate over interconnection rates and universal access/service; and e) weak penalties for violators.⁵⁰

The results come as no surprise. ISOC-PH Chapter Chairman Winthrop Yu notes how the government has failed, so far, in fulfilling its role in internet governance. Its policies are outdated and only benefit the companies reigning over the local market, allowing for regulatory capture to set in.⁵¹

Engaging the unengaged

Given the present domestic landscape, there is little incentive to bring forth, let alone sustain, a continuing dialogue among stakeholders. This makes international and regional forums even more important insofar as surfacing the different issues that plague the local ecosystem.

Unfortunately, among the stakeholders, it has only been civil society that has been able to

34 Ortiz, M. K., Serafica, R., & Bairan, J. (2017). *Rebooting Philippine Telecommunications Through Structural Reform*. Philippine Institute for Development Studies. www.pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps1719.pdf; see also: Ramli, D. (2016, 14 March). Why Telstra may have dodged a bullet in the Philippines. *The Sydney Morning Herald*. www.smh.com.au/business/why-telstra-may-have-dodged-a-bullet-in-the-philippines-20160314-gninto.html

35 Rappler. (2017, 25 July). Full text: President Duterte's State of the Nation Address 2017. *Rappler*. <https://www.rappler.com/nation/176566-full-text-president-rodriigo-duterte-sona-2017-philippines>

36 www.pldt.com/

37 www.globe.com.ph

38 Desiderio, L. (2017, 28 July). Faster internet, free WiFi among top tech priorities. *The Philippine Star*. www.philstar.com/business/2017/07/28/1722042/faster-internet-free-wifi-among-top-tech-priorities

39 Taruc, P. (2015, 30 October). Telstra bullish on possible SMC joint venture. *CNN Philippines*. www.cnnphilippines.com/business/2015/10/30/telstra-bullish-on-possible-SMC-joint-venture

40 Magturo, D. (2016, 18 March). Telstra move to back out of SMC talks seen as "credit positive". *Business World Online*. www.bworldonline.com/content.php?section=Corporate&title=Telstra-move-to-back-out-of-SMC-talks-seen-as-credit-positive&id=124676

41 Camus, M. (2017, 31 May). PLDT, Globe complete purchase of SMC's telecommunications unit. *Philippine Daily Inquirer*. business.inquirer.net/230460/pldt-globe-complete-purchase-smcs-telecommunications-unit

42 www.fma.ph

43 <https://www.internetsociety.org>

44 <https://www.facebook.com/isoc.ph>

45 <https://www.facebook.com/Democracy.Net.PH>

46 www.internetsociety.org/chapters

47 www.facebook.com/pg/Democracy.Net.PH/about/?ref=page_internal

48 Email interview with ISOC-PH Chapter Chairman Winthrop Yu, 16 September 2017.

49 Ortiz, M. K., Serafica, R., & Bairan, J. (2017). Op.cit.

50 SunStar Manila (2017, 31 May). Gov't think tank: PH telco regulatory environment weak. *SunStar Manila*. www.sunstar.com.ph/manila/local-news/2017/05/31/govt-think-tank-ph-telco-regulatory-environment-weak-544922

51 Email interview with ISOC-PH Chapter Chairman Winthrop Yu, 16 September 2017.

regularly send delegates to attend the global IGF, the APriGF and other similarly themed events. FMA has even taken the initiative of spearheading the development of a so-called Philippine Declaration on Internet Rights and Principles⁵² with the support of other civil society organisations.

Some accounts indicate that the government has been selective in its engagements abroad. While it has sent delegates to events convened by the ITU,⁵³ the Asia-Pacific Telecommunity⁵⁴ and the Government Advisory Council of the Internet Corporation for Assigned Names and Numbers (ICANN),⁵⁵ it has so far avoided fielding personnel to any IGF. There have been instances in the past when prospective delegates had been identified (i.e. IGFs 2014⁵⁶ and 2015),⁵⁷ but plans were scuttled at the last minute for reasons not made known to the public. In 2016, a DICT employee was present at the global IGF in Mexico, but not in an official capacity. The record with the APriGF is not that different. While attendance by certain government officers has been noted in the past, only the participation of a lawyer from the National Privacy Commission⁵⁸ in this year's forum in Bangkok appears to have had institutional blessing. And even that was only upon invitation by a non-profit organisation that had a panel in the event.

Few reasons are offered to account for the government's passive stance. Some place the blame squarely on the influence of the private sector, which has an interest in keeping regulators away from multistakeholder dialogues. This may explain the perceived preference for venues that mainly have other state representatives as attendees. Another theory centres on institutional motivation and suggests that the Philippine government may not really be keen on elevating local concerns to the international level. Raising its institutional reputation within international organisations, and possibly securing a seat in any existing body or council (e.g. the ITU Council), may be the objective. The lack of substantive follow-ups or mechanisms to monitor and assess the country's progress after attending

events abroad supports this supposition. It has likewise been suggested that this may yet be a mere procedural issue, citing the process for organising events as the reason. One DICT source points out that, unlike the IGF, ITU events are held in such a way that the host government sends out official invitations to other government participants to elicit attendance.⁵⁹ In the IGF, participants are expected to volunteer their involvement sans any notice or invitation from the host or any of the panel organisers.

A review of the reasons provided exposes no handicap or difficulty inherent in the government to which its absence in the IGF may be attributed. After all, insulating oneself as a regulator from undue influence of industry, or resisting the tendency to pursue one's self-interests, both constitute a fundamental duty on the part of any public servant. If, for some reason, the ethos of public office as a public trust has been lost on the officials concerned, political resolve should also be sufficient to counter any of the justifications cited. As regards the lack of invitation, such a flimsy excuse, were it to be acknowledged as legitimate, is easily disposed of through proper coordination with organisers and/or host governments.

Unfortunately, however simple the problems may seem, the solution is anything but rudimentary. For civil society organisations, in particular, the challenge now is how to make participation in the IGF and other similar venues draw the interest of those in the relevant agencies. Apparently, appealing to their good sense as state officials who are supposed to serve the public interest is not enough. If anything, the task is daunting. It is difficult to see what else there is outside of everything that is already being done to encourage government engagement. And that, perhaps, is the key takeaway: civil society needs to stay the course and sustain their initiatives, until a tipping point is reached and government finally relents.

There are encouraging signs that support this strategy. As of writing this, plans for holding a local multistakeholder forum closely resembling the IGF are well underway, with FMA, ISOC-PH and the DICT as co-organisers. While still a far cry from an actual IGF in terms of scope and quality, proponents are hopeful that it precipitates a significant change in the government's treatment of internet governance, and catapults an actual government presence in the IGF and APriGF platforms.

52 www.fma.ph/?page_id=921

53 www.itu.int/en/Pages/default.aspx

54 www.aprighg.org

55 <https://www.icann.org>

56 Cruz, T. (2014, 3 September). Filipinos join #IGF2014 – but where's the Aquino gov't? *TonyoCruz.com*. <https://tonyocruz.com/?p=3931>

57 Department of Information and Communications Technology. (n/d). PH internet stakeholders prepare for the United Nations global internet governance forum in Brazil. www.dict.gov.ph/ph-internet-stakeholders-prepare-for-the-united-nations-global-internet-governance-forum-in-brazil

58 <https://www.privacy.gov.ph>

59 Interview with an anonymous source, 20 September 2017.

Conclusions

It is likely that civil society organisations will remain the backbone of Philippine engagement in international forums on internet governance. While okay for the moment, it will prove inadequate and ineffective in the long run if meaningful policy development and reforms in the local landscape are the ultimate objective. Even if civil society organisations are able to raise domestic issues on the international stage, any solution cannot be cascaded properly to the national level if a commitment from the government to participate remains lacking. Proposals will not translate to policies, and any potential for change will remain as such. For the Philippines, specifically, this means the prospects of breaking the reigning duopoly shall continue to be bleak, much to the detriment of the general public.

All hope is not lost, however. There are signs of growing interest in public engagement among those in government service. Civil society should seize this opportunity, build on it, and continue to bring its government counterparts on board, without losing sight of its advocacies *vis-à-vis* specific issues.

Action steps

Civil society should consider working on a couple of points to ensure a more engaged public sector in all matters relating to internet governance:

- Encourage a more proactive government when dealing with issues concerning the internet. This includes maintaining efforts to encourage government participation in the global IGF and APriIGF, and continuing to collaborate with public and private sector partners with the objective of holding a national IGF on a regular basis.
- Promote a more inclusive process in the development of internet governance policies and programmes. In part this can be done by strengthening public education campaigns and programmes focused on people's right to the internet, as well as their online rights. This will result in new allies in working to effect positive changes in internet governance.

ROMANIA

AN INTERNET GOVERNANCE FORUM IN ROMANIA: FROM PLANNING TO ACTION



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Introduction

The aim of this report is to provide a brief overview of progress made in Romania on the road to establishing a national internet governance forum (IGF). Although civil society organisations and internet freedom activists are present at major regional and international internet governance events, a national IGF has still not been established in Romania, in contrast with neighbouring countries like Serbia, Bulgaria or Ukraine. As a participant at the Internet Governance Cocktail organised in Bucharest on 18 November 2016,¹ my key question is: how can the Romanian IGF project be moved forward?

Policy and political background

Romania has made significant efforts to ensure fair access to information and communications technologies (ICTs) across the country, but has this been enough to reach the high standards of connectivity, inclusiveness and transparency set by the European Union (EU) Digital Agenda?² A monitoring and evaluation framework for the implementation of the Digital Agenda in Romania has summarised key tasks, indicators and responsible institutions for data collection in order to reach the 2020 targets for e-governance, digital literacy, innovation and next-generation infrastructure in the country.³ Ranked last among member states in the Digital Economy and Society Index,⁴ Romania has a long

way to go when it comes to human capital,⁵ use of the internet,⁶ integration of digital technology,⁷ and digital public services.⁸ The report states:

Romania ranks 28th out of the 28 EU Member States. [...] In recent years, Romania has not made much progress relative to other EU Member States. On the positive side, Romanians benefit from coverage of fast broadband connections in urban areas, which translates into the highest share of subscriptions in the EU. The take-up of mobile broadband is also accelerating. However, the rate of digitisation of the economy, including for public services, and digital skill levels are still low.⁹

According to the 2017 Freedom House report, Romania – with its 19.8 million inhabitants and a gross domestic product (GDP) of USD 8,973 per capita – is assessed as a free country, with a partly free press controlled by businessmen with political interests.¹⁰ Ten years after joining the EU, its civil society has strengthened, with a real potential to impact on development. Meanwhile, the regional and international context hinders pluralism and an open society in the region.¹¹ In a nutshell:

- Romania is relatively stable politically and economically, with the ICT sector accounting for a 6% share of the country's GDP in 2016, the fourth highest in the EU.¹² With a dynamic ICT sector and an agile business community, mainstream internet-related discourses are more concerned with e-commerce than internet governance.

1 An informal meeting aimed at educating civil society organisation representatives, technical community members and media representatives on IGF issues. igf.ro/2016/11/08/invitatie-intalnire-informala-internet-governance-18-noiembrie-2016-ora-1600

2 European Commission. (2014). *Digital Agenda for Europe*. www.europa.eu/european-union/file/1497

3 Ministerul Comunicatiilor si pentru Societatea Informatiionala. (2016). *Manualul de monitorizare si evaluare al strategiei nationale privind Agenda Digitala pentru Romania*. https://www.comunicatii.gov.ro/wp-content/uploads/2016/02/Manual_Monitorizare_Evaluare_v2.0-BM.pdf

4 European Commission. (2017). *Digital Economy and Society Index 2017 – Romania*. www.ec.europa.eu/newsroom/document.cfm?doc_id=43038

5 Internet use, basic and advanced digital skills.

6 Use of content and online transactions.

7 Business digitisation and e-commerce.

8 E-government.

9 European Commission. (2017). Op. cit.

10 Freedom House. (2017). *Freedom in the World 2017. Romania Profile*. www.freedomhouse.org/report/freedom-world/2017/romania

11 Kivu, M. (ed). *Romania 2017: Sectorul neguvernamental. Profil, tendinte, provocari*. Bucharest: Fundatia pentru Dezvoltarea Societatii Civile.

12 Bakó, R. (2016). Romania: Participatory culture and the internet. In A. Finlay (Ed.), *Global Information Society Watch 2016*. www.giswatch.org/en/country-report/economic-social-and-cultural-rights-esrcs/romania

TABLE 1.

Leading topics discussed at IGF events across Europe in 2015

Topic	No. of events
Participation in internet governance policy making	13
Privacy	11
Innovation and development	9
Security	8
Human rights	6
Media in the digital age	4
Domain names	3
Copyright	3
Accessibility and equality	2

Source: Table compiled based on data from EuroDIG 2015 held in Sofia.¹⁶

- Internet policy discussions are not transparent enough and inclusive of all relevant stakeholders: civil society organisations and stakeholders outside the capital Bucharest are often excluded from the discussion table, although the formal requirements set by the EU on posting legislative initiatives for public consultation are formally respected.
- The ICT sector and government offices have been shaken by corruption scandals related to Microsoft licence attribution,¹³ and the theft of EU funds meant for broadband expansion in rural areas.¹⁴ In 2016, the former minister of communications and information society, Gabriel Sandu, was jailed for three years.¹⁵

IGF topics across Europe

Table 1 summarises a topic analysis of the main issues discussed at the national, regional and sub-regional IGFs held across Europe in 2015. The topic analysis was done by the organisers of the European Dialogue on Internet Governance (EuroDIG) meeting held in Sofia in 2015. It shows that a wide variety of issues were discussed at the 22 events. Participation in internet policy making was the leading topic in 2015 (13 events), followed by privacy (11 events), innovation and development (9 events), and security issues (8 events).

Setting up a local IGF

On 2 June 2016, a meeting of the Romanian IGF Coordinating Committee took place at the Ministry of Communications and Information Society,¹⁷ aimed at creating a national IGF in Romania. Participants declared that their intention was to create an annual national forum on internet governance, by involving governmental and non-governmental organisations, the ICT industry, academics and any individuals interested in internet issues as equal partners. The meeting also tackled the issue of funding and the need for a permanent national IGF secretariat. Representatives of the group agreed to meet on 30 June 2016 to consolidate their ideas on these matters.

The participants at the meeting were representatives of the government (Ministry of Communications and Information Society,¹⁸ National Authority for Management and Regulation in Communications of Romania,¹⁹ Ministry of Foreign Affairs Romania);²⁰ civil society (DiploFoundation,²¹ Internet Society Romania,²² Association for Technology and Internet – APTI);²³ the ICT industry (National Association of Internet Service Providers,²⁴ Association of ICT Equipment Producers and Distributors);²⁵ as well as research and development organisations (National Institute for Research and Development

¹⁴ www.digi24.ro/stiri/actualitate/justitie/dosarul-microsoft-2-dan-nica-si-adriana-ticau-la-dna-630583

¹⁵ www.digi24.ro/stiri/economie/proiectul-internet-la-sate-blocat-total-745781

¹⁶ www.digi24.ro/stiri/actualitate/evenimentie/gabriel-sandu-a-fost-adus-la-dna-709410

¹⁶ Details at www.eurodig.org/fileadmin/user_upload/eurodig_Sofia/IGF15_Open_Forum_Hot_topics_across_Europe.pdf

¹⁷ igf.ro/2016/06/02/intalnire-a-comitetului-de-coordonare-a-forumului-pentru-guvernanta-internetului-din-romania

¹⁸ www.comunicatii.gov.ro

¹⁹ www.ancom.org.ro/en

²⁰ www.mae.ro

²¹ www.diplomacy.edu

²² www.isoc.ro

²³ apti.ro/apti-english

²⁴ www.anisp.ro

²⁵ asociatiait.ro



Romanian IGF Coordinating Committee meeting in Bucharest on 2 June 2016. SOURCE: www.igf.ro

in Informatics,²⁶ National Foundation of Young Managers,²⁷ CyberInt,²⁸ and Romanian Open Source Education).²⁹

The next publicised IGF.ro event was the Internet Governance Cocktail held in November in 2016, organised by APTI. It was an opportunity for civil society representatives to get together and discuss what internet governance means, why it is important to have a policy perspective on internet-related issues, and why multistakeholderism is important for an IGF process.

As of September 2017, a Romanian IGF had not yet been held. According to an ICT policy expert interviewed for this overview, there is still a lack of awareness of the participatory approach among ICT stakeholders, especially governmental actors, who lack the experience and expertise needed for multistakeholder dialogue. Meanwhile, a newly formed community of ICT business and policy experts, called Digital Citizens of Romania, is actively promoting regional dialogue on ICT policy issues,

including internet governance dialogue-related actions. The group calls itself “the first Romanian think tank in the digital field”.³⁰

Regional reflection

Romanian ICT stakeholders are increasingly interested in participating in shaping the internet locally and globally. Civil society organisations – APTI and DiploFoundation – are the most engaged in moving the IGF agenda forward, supported by young entrepreneurs. Meanwhile, positive regional processes offer a good frame for such initiatives:

- South Eastern European Dialogue on Internet Governance (SEEDIG) and EuroDIG are good learning spaces for creating a national IGF in Romania. APTI and DiploFoundation representatives have been present at all events since 2010.
- Since 2010, Romania has been present with a local remote hub set up by APTI at global IGFs, and Romanian participants engage actively in the discussions.
- A very vibrant community of experts and internet freedom activists, as well as monthly webinars and newsletters, have been set up by SEEDIG.

26 <https://www.ici.ro/?lang=en>

27 www.fntm.ro

28 <https://www.facebook.com/Cyberint>

29 www.rosedu.org

30 <https://www.digitalcitizens.ro>

Conclusions

In Romania the ICT sector is considered a success story, despite its ups and downs and corruption scandals. Based on this momentum, several positive processes have enabled an internet governance agenda in Romania:

- The EU regulatory framework acts as a driving force, with ambitious targets set by the Digital Agenda for Europe in terms of inclusion, transparency and participation.
- Positive regional developments such as SEEDIG and EuroDIG encourage individual and institutional actors to take steps towards a national IGF in Romania.

The first step has been taken by setting up an organising committee to prepare a national IGF in the country.

Action steps

In order for the IGF plans to translate into actions, some steps are needed:

- Government actors responsible for creating the IGF.ro as a national yearly forum should take action, especially the Ministry of Communications and Information Society, which should mainstream the event as part of its official discourse.
- Civil society organisations should act as catalysers and knowledge pools based on their experience with regional and global IGFs, to encourage the participation of other local actors.
- Last, but not least, internet governance initiatives should be mainstreamed by key media channels and academic forums to make them visible, relevant and open to the public.



Jonction

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Introduction

Since the World Summit on the Information Society (WSIS) held in Tunis in 2005, Senegal has regularly been organising a national Internet Governance Forum (IGF) under the aegis of the Senegalese Chapter of the Internet Society (ISOC-Senegal).¹

In doing so, Senegal has acted in line with the recommendation adopted during the Tunis WSIS in 2005, which calls on states to organise annual national and regional forums on internet governance. Several national IGFs have been held around various themes, with the first one taking place in July 2010 in Dakar. The latest IGF was held this year (in 2017) on the theme: “The contribution of stakeholders in the digital ecosystem in the implementation of the Digital Senegal 2025 national strategy”.

In this report, we will discuss issues, outcomes and challenges related to the process of running the national IGF in Senegal. Internet governance raises relevant questions that stakeholders in the digital ecosystem will need to address. It is hoped that the Senegalese context will offer some answers to these questions.

Economic and political background

Senegal is a sub-Saharan country, located in West Africa, on the coast of the Atlantic Ocean, and is the most western country in Africa. Due to its political stability, Senegal ranks among the few democratic African countries that regularly hold peaceful elections.

This context could have fostered freedom of expression and opinion. However, violations and hindrances to freedom of expression and opinion continue to prevail. For instance, a famous singer was recently detained for expressing himself in a WhatsApp group.²

Discussions on national internet policies and strategies are neither inclusive nor participatory. Instead of involving all stakeholders in the debates on internet governance, Senegal defines its national digital strategy based only on views of technicians working for the government. The most striking illustration of this reality is the adoption of the Digital Strategy 2025 without the involvement of other stakeholders.

The weaknesses of civil society also hamper its participation in national initiatives. Often civil society organisations lack technical resources which would enable them to master issues relating to internet governance. For their part, small and medium-sized enterprises are not very conversant with the current stakes in internet governance, as well as emerging domains such as the digital economy, net neutrality or even the protection of electronic data.

A lack of participation by stakeholders

Nowadays, the internet constitutes a powerful tool for development and its impact and utility in the social, cultural, political and economic domains do not need to be demonstrated. The internet also facilitates the promotion and protection of human rights and freedoms, including making the reporting of human rights violations easier than it was in the past.

These distinctive features of the internet make it attractive to actors in development. States, the private sector, civil society organisations, women, youth, local communities, and persons with disabilities, among others, all have an interest in taking part in defining the norms on internet governance. However, the reality is that many of these key players are excluded from the national IGF in Senegal.

Despite advocacy efforts by civil society, which is increasingly becoming engaged in internet governance in the country, there is currently no independent mechanism for internet governance at the national level. Its existence could have boosted the multistakeholder formulation of internet policies. However, we observe the weak participation of local communities, women, youth and other marginalised groups. The lack of involvement of these actors, in addition to the absence of the state as a convener of discussions on internet policy, diminishes the relevance of the debates and does

1 www.osiris.sn/Forum-National-sur-la-Gouvernance,17446.html

2 The singer stated in a message in the local Wolof language: “The president of the republic is a rascal, a manipulator who imprisons the innocent and is ready to do anything to keep power.” See: senego.com/affaire-amy-colle-dieng-lenregistrement-a-ete-diffuse-dans-un-groupe-whatsapp-pro-karim-wade_510472.html

not contribute to the creation of a good internet environment able to meet the real needs of local communities in Senegal.

It is undeniable that the Senegalese internet governance framework lacks openness, transparency and inclusion. By way of illustration, we can cite recent amendments to the Criminal Code and the Code of Criminal Procedure in Senegal, whose adoption was neither participatory nor inclusive. As a result, the amendments pose serious threats to fundamental freedoms such as the freedom of expression online and the right to privacy. For example, Article 90-10 of the Code of Criminal Procedure states that during an investigation, the state may use remote software and install it in a suspect's computer to collect evidence relevant to the investigation. This does not require a court order.

One of the major challenges is agreement in defining the rules of internet governance – in creating a shared understanding of what it actually is. Since Tunis, internet governance has been defined as: “The development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.”³ Strong internet governance, in other words, means that no stakeholder should be excluded from internet governance debates and policy decision making.

However, the exclusion of stakeholders such as women, youth and persons with disabilities from the policy-making process in Senegal is, in many respects, the cause for the failure of development and the weakness of the impact of a digital policy on the evolution and use of the internet. For example, little consideration is given to gender in the national IGF. Women's organisations are often absent in internet policy-making spaces – meaning that gender should be at the heart of the priorities of the IGF.

Another challenge impacting on the participation of stakeholders is the lack of capacity building offered to actors, including civil society. Meaningful participation and relevant contributions cannot be expected from the actors involved in internet governance without them being conversant with emerging issues on internet policy.

A third problem is the lack of a sustainable institutional environment, which is in part the result of the lack of independent mechanisms tasked with protecting democracy. This is equally the case when it comes to inclusive internet governance. Consequently, there is an urgent need to create an

environment conducive to internet governance that respects human rights and fundamental freedoms, and to set up institutional mechanisms and collaborative spaces involving diverse stakeholders. Whether or not the IGF in Senegal can evolve to become this mechanism is currently unclear.

Regional reflection

Our country hosted the first preparatory meeting for African participation in the first global IGF in Athens.⁴ The workshop was organised from 13 to 15 July 2006 by the Panos Institute West Africa (PIWA) in Saly.⁵ The aim was to assess engagement in ICT policies in West and Central Africa and to help prepare actors for the IGF.

Through its ongoing participation in the global IGF, civil society has been able to both contribute to discussions on internet governance, and to benefit from the good practices in other countries in the field of internet policy. This has impacted on local legislative and institutional frameworks, for example, on laws dealing with the protection of personal data, cybercrime and electronic communications.⁶

Conclusion

There are three key challenges facing internet governance in the country: the lack of inclusive multistakeholder dialogue, the lack of capacity of stakeholders to meaningfully engage in dialogue, and the lack of sustainable and effective mechanisms to protect a rights-based internet governance process.

Ultimately, in order to create a digital environment that enables all citizens and actors to use the internet in an optimal and efficient way, the national IGF will have to be much more transparent, open and multistakeholder. The identification of constraints and obstacles to implementing the internet as a tool to achieve development and human rights, as well as the development of internet rules, principles and policies, cannot be the prerogative of the government alone.

Internet shutdowns, the high cost of access and defective quality of internet service, a lack of electricity, and attacks on freedom of expression on the internet, are all some of the many constraints that prevent the internet from being used as a tool for development and having an optimal impact on the economic, social and cultural progress of the African continent.

3 *Tunis Agenda for the Information Society*. <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>

4 Held on 30 October to 2 November 2006.

5 www.burkina-ntic.net/spip.php?article1156

6 www.cdp.sn/textes-legislatifs

Action steps

Civil society has to play a leading role in addressing the obstacles that lie ahead. I would therefore like to make recommendations for civil society which I believe will contribute to meeting the challenges identified above:

- Because synergy among stakeholders is essential to meet the challenges of internet governance in Senegal, civil society needs to strengthen its capacity to lobby and advocate for the participation of all actors, including the state, in the IGF.
- Civil society should also convince the government of Senegal to set up an internet governance mechanism – both institutional

and legal – which allows the participation of all stakeholders, and to define a digital vision shared by all actors. The lack of a shared digital vision is a handicap in the efficient use of information and communications technologies (ICTs). It leads to white elephants, showcasing and a failure to respect fundamental human rights.

- Lastly, civil society should advocate for the strengthening of the capacities of digital actors to understand the latest technical and policy developments with respect to digital rights, including the right to privacy and freedom of expression, fast and affordable access to the internet, and the reduction of inequalities in access to and use of the internet.

SERBIA

NO CONNECTION



SHARE Foundation

Djordje Krivokapic, Andrej Petrovski and Bojan Perkov
shareconference.net

Introduction

The internet in Serbia is still relatively unregulated and free of restrictions – at least compared to other areas of regulation. But the vacuum when it comes to internet governance in the country needs to change: currently a candidate state negotiating for accession to the European Union (EU),¹ Serbia has the opportunity – even the necessity – to become involved in regional and global internet governance processes. Even though it seems that Serbia still has a long way to go to become a member of the EU, internet governance should not be left up to the dictates of the EU alone.

At the moment only a handful of civil society organisations and missions of international organisations to Serbia are dedicated to the global internet governance dialogue. Serbia generally lacks a long-term internet policy strategy, with the exception of the recent Strategy for Information Security 2017-2020, which was adopted in May 2017 without public consultations on the draft text.² Senior officials of government institutions are usually not present at Internet Governance Forums (IGFs), which gives the impression that these issues are not considered a priority in a country which still has to do a lot when it comes to the digitisation of society.

Policy and political background

Having started negotiations for membership in the EU, Serbia has a relatively clear future for its foreign policy dynamics. However, pressures on independent media, investigative journalists, government critics and members of opposition parties are still very much present. In this situation, with the exception of a few media outlets which are not that influential,

the internet has become one of the few places where citizens and journalists can voice their criticism of the government. So far, the government has not taken any major steps towards controlling and censoring the internet, such as total internet shutdowns or blocking access to popular social media and communication platforms through technical means.

As far as the multistakeholder approach to internet policy and governance goes, the main actors promoting internet governance topics and working on policy recommendations are representatives of civil society – e.g. DiploFoundation,³ the Serbian National Internet Domain Registry,⁴ the Geneva Centre for the Democratic Control of Armed Forces⁵ – and international organisations represented by their missions to Serbia, such as the Organization for Security and Co-operation in Europe (OSCE).⁶ Both are mostly focused on cybersecurity and domain name system-related issues, but nevertheless play an important role in advancing the internet governance agenda not only in discussions with the government, but also at an international level.

Lack of governmental involvement in the internet governance dialogue

It should be noted that when it comes to international cooperation and forums related to internet governance, the lack of interest of the government can be seen in the lack of official representation of Serbia at these events, including the global IGF. The IGF in Guadalajara, Mexico⁷ in December 2016 was one more example of an internet governance event that was practically neglected by the Serbian government. At a time when the future shape of the internet is being decided, it is more important than ever that governments not only discuss possible internet policies, but also work together on implementing them. On the path towards full EU membership, Serbia will need to adjust its policies related to internet governance and the information society in general to those of the EU. The readiness of the government to engage in internet governance

1 European Union. (2017). Candidate countries and potential candidates. www.ec.europa.eu/environment/enlarg/candidates

2 SHARE Foundation. (2017, 30 May). Strategy for Information Security adopted without a public discussion. Available in Serbian: www.shareconference.net/sh/vesti/strategija-informacione-bezbednosti-usvojena-bez-javne-rasprave

3 www.diplomacy.edu

4 www.rnids.rs/en

5 www.dcaf.ch

6 www.osce.org/mission-to-serbia

7 www.igf2016.mx

issues will also encourage other stakeholders in Serbia to get involved, such as the private information and communications technology (ICT) sector, which contributes significantly to the Serbian economy.

Government policy initiatives focused on internet governance in Serbia are usually related to the technical aspects of the internet and to cybersecurity, where the state institutions involved are the Ministry of Trade, Tourism and Telecommunications (MTTT)⁸ and the Regulatory Agency for Electronic Communications and Postal Services (RATEL).⁹ There is, moreover, little interaction between the different stakeholders on policy, apart from public consultations announced by state institutions when a draft law or policy document is available.

The Strategy for Information Security 2017-2020,¹⁰ which was adopted by the government without any consultation with civil society, industry, academia and other actors, is an example of a strategic document being adopted with key stakeholders being left out of the process. The government of Serbia has six months to adopt the action plan which will be used for implementing the strategy, and it remains to be seen whether or not the action plan will be published for public consultations. SHARE Foundation has called upon the government to publish the draft text of the action plan and open it for public consultations in order to make the process more inclusive for all stakeholders. What is also interesting is the fact that the strategy was not used to push through a certain government agenda that could possibly undermine internet freedom, therefore making the exclusion of other stakeholders from the decision-making process even stranger.

Michael Oghia, an independent internet governance consultant and researcher currently working in Belgrade, the capital of Serbia, says that it is not that some stakeholders are excluded, but many in his view do not even want to join the conversation out of a lack of desire or interest. “They see such conversations as irrelevant outside of government, i.e. the [government’s] lack of support for the multistakeholder model. There are a lot of power dynamics involved and politics of course, much of which is personal,” he concluded.¹¹

There are examples of good practices for discussion forums on internet governance and policy

where the representatives of Serbian government institutions (such as the MTTT, RATEL and the Ministry of Interior) have participated with experts, civil society organisations and the tech industry. These include the Cyber Security Meetups¹² co-organised by SHARE Foundation. Three Meetups in total were held in Belgrade from November 2016 to May 2017, covering various topics on cybersecurity and other internet policy issues. The feedback was very positive, as the events attracted around 150 participants from the tech community, civil society, media, and business sector, as well as public institutions and regulatory bodies. Discussion in such a multistakeholder arena is important, given that Serbia has just recently created the legal framework for information security. As it is relatively “new territory” not just for the public sector, but also for private companies, Cyber Security Meetups proved to be a very inclusive forum for all stakeholders to voice their concerns and propose possible solutions to issues such as implementation of the Law on Information Security,¹³ which was adopted in 2016.

At the moment, there is no official IGF being organised in Serbia, which also hinders the promotion of multistakeholder dialogue. However, as Vladimir Radunovic from DiploFoundation noted, Serbia was the official host of the European Dialogue on Internet Governance (EuroDIG)¹⁴ in 2011. That same year, the Internet Dialogue of Serbia was organised, and, as Radunovic points out, served as the first and only national IGF in Serbia.¹⁵

There are a lot of interested actors with knowledge, expertise and good international connections, but it seems that at the moment no one is willing to take the internet governance discussion to the next level in Serbia. Experience from neighbouring countries and former republics of Yugoslavia (e.g. Bosnia and Herzegovina, Croatia, Slovenia)¹⁶ that have organised IGFs can be useful for a future national IGF in Serbia. Even though there seem to be no big obstacles for cooperation between stakeholders on the national level, especially the government and civil society, we still do not have an IGF Serbia in

8 www.mtt.gov.rs/en

9 www.ratel.rs

10 The strategy is available in Serbian: www.srbija.gov.rs/extfile/sr/294088/strategija-razvoja-informacione-bezbednostio55_cyr.zip

11 Email interview with Michael Oghia, 28 August 2017.

12 For a report relating to one of the Meetups, see: SHARE Foundation. (2017, 21 February). Fines for breaching the Law on Information Security will go up to 2 million Serbian dinars. Available in Serbian: www.shareconference.net/sh/vesti/kaznedo-2-miliona-dinara-zbog-nepostovanja-zakona-o-informacionoj-bezbednosti

13 Available in Serbian: www.paragraf.rs/propisi/zakon_o_informacionoj-bezbednosti.html

14 EuroDIG 2011 Belgrade: www.eurodig.org/index.php?id=548

15 Email interview with Vladimir Radunovic, 31 August 2017.

16 For more information on national IGF initiatives in South Eastern Europe and the neighbouring area, see: www.seedig.net/national-igf-initiatives

sight. “Establishing a national IGF in Serbia has been a nightmare, but I haven’t been directly involved with the planning and conversation, so I am not sure why or whom to blame,” says Oghia. “However, SEEDIG [South Eastern European Dialogue on Internet Governance] in general has been a huge success, especially for the region in general. I know individuals in Serbia have participated and been actively involved, but I’m not sure how invested the government is,” he added.¹⁷

SEEDIG¹⁸ is a sub-regional space for dialogue on internet governance issues between stakeholders from South Eastern Europe and the neighbouring area, and is recognised by the global IGF. In 2017 the meeting was held in Ohrid, Macedonia, with representatives from a total of 24 countries. It is interesting to note that according to SEEDIG 2017 participant statistics, 33% of them were from governments, followed by civil society and the private sector.¹⁹

Regional reflection

Even though a national IGF still seems far away in Serbia, it is important to learn from the experience of events such as SEEDIG and national IGFs in the region. “The influence has mainly been to bring the various actors within the region together to have a common dialogue and avoid politics as much as possible. It’s definitely been great for the different stakeholders to connect, and it’s one of the few spaces where important internet-related issues are being discussed in South Eastern Europe,” Oghia says.

For example, an important lesson from SEEDIG concerns cybersecurity. As cybersecurity laws and strategies differ from one country to another, it was suggested that engagement of different stakeholders in high-level discussions could be a solution, together with the synchronisation of national policies.²⁰ Unfortunately, governments in the region still have many political differences, which makes cooperation in internet governance matters harder to achieve; but as most of the countries in the region have taken a course towards joining the EU or are already EU member states, such as Croatia, the situation should improve.

Conclusions

Bearing in mind all that we have described, there are small branches of the Serbian government willing to take part in internet governance discussions with relevant stakeholders, but currently civil society and the tech community are the ones leading these processes. In order to make the process of negotiating internet governance and policy more inclusive, transparent and open, the government should learn from regional events such as SEEDIG and connect with relevant stakeholders from the region, particularly with other competent ministries and regulatory bodies. If Serbia is not adequately represented at these forums by its government officials, it might risk falling behind in developing strong policies to build a digital society. This is also very important because of the growth of the IT industry and e-government services in the country. The EU integration process also requires adapting national legislation and policies to a common framework, which cannot be achieved without the government as a whole playing an active role.

Action steps

Here are the possible action steps for civil society in advancing the discussion on internet governance in Serbia:

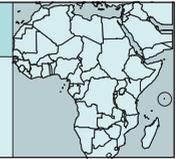
- Insist on public consultations for every law and policy document that the government drafts. These documents should be open for comments from all stakeholders, and relevant stakeholders should be included in working groups drafting laws and policy documents.
- Make a joint effort to have high-ranking state officials participate at events where internet governance topics relevant to Serbia are discussed.
- Make sure to educate government officials on the importance of participating at global and regional IGF events and representing Serbia.
- Work together with government institutions, the tech community, academia and the private sector on organising a national IGF in Serbia.

¹⁷ Email interview with Michael Oghia, 28 August 2017. RATEL representatives were present at SEEDIG.

¹⁸ www.seedig.net

¹⁹ SEEDIG 2017 attendance statistics: www.seedig.net/seedig-2017-attendance-statistics

²⁰ South Eastern European Dialogue on Internet Governance. (2017). *Digital development: Turning challenges into opportunities – Annual report 2017*. www.seedig.net/wp-content/uploads/2017/09/SEEDIG_Annual_report_2017_final.pdf



Janick Bru

Independent writer, with inputs from the Seychelles Association of Media Professionals and Stand Up Step Up Seychelles

Introduction

A high percentage of the population in Seychelles has access to and uses the internet on a regular basis. Social media is extremely popular and there is a scheme that makes it possible for school children and students to own their own laptops. The country has well-developed information and communications technology (ICT) structures, and the Department of Information and Communication Technology (DICT) clearly states its intention¹ to promote electronic communication and access to the web. Information available shows that Seychelles does not actively participate in the global Internet Governance Forum (IGF) and that so far only two individuals from Seychelles have participated in a regional IGF. The country does not currently have a national IGF.

It is to be remembered that the purpose of the IGF is “to bring people together from all stakeholder groups – governments, the private sector, civil society and the academic and technical communities – to stimulate debate and discussion, exchange information and share good practices. Participants at the IGF engage as equals in a dialogue on public policy issues related to the Internet and its governance.”²

This report makes a case for the establishment of a national IGF in Seychelles, based on the conviction that it would be a considerable and positive step forward if such a multistakeholder forum were to exist.

Context

The internet was first introduced to Seychelles in the mid-1990s when services were made available essentially to institutional clients. The sector grew at a very rapid pace and by the end of 2016, there were 35,380 internet access service subscriptions

and 151,857 mobile phone subscriptions for a population of around 95,000.³ Internet bandwidth capacity has also increased from 200.50 mbps at the end of 2010 to 5,500.00 mbps at the end of 2016.⁴ According to the 2016 Central Bank of Seychelles Annual Report: “The telecommunications sector remained one of the industries with the largest potential for growth. Activities in this sector are estimated to have expanded by 6.0 per cent in 2016 [...]. The main driver was internet and data services where demand has maintained an upward trend.”⁵

Most of what has been achieved in this area has been led by the DICT working with, and setting parameters for, telecommunications and IT companies such as Cable and Wireless (Seychelles),⁶ Airtel,⁷ Intelvision,⁸ Atlas Seychelles⁹ and Kokonet.¹⁰ The organisational structure of the DICT and existing national strategies, policies and regulations regarding the internet are clearly presented on the department’s website.¹¹ There is also, on that site, a link to a page where members of the public can report complaints.

The head of the DICT, Principal Secretary Benjamin Choppy, acknowledges that the work of the department is “cross-cutting across government and even nationally,” and gives examples of how the internet can be used: for dialogue relating to the passing of legislation in the national assembly; for interactions between individuals, businesses and government; or for the functioning of the tourism industry. He also emphasises the importance of cybersecurity for online transactions and e-commerce, and the need for data protection.¹²

3 www.nbs.gov.sc/downloads?task=document.viewdoc&id=104

4 www.ict.gov.sc/Documents/Performance_of_the_ICT_sector_as_of_December2016.pdf

5 Central Bank of Seychelles. (2016). *Annual Report 2016*. www.cbs.sc/Downloads/publications/Annual%20Report%202016.pdf

6 <https://www.cwseychelles.com>

7 www.africa.airtel.com/wps/wcm/connect/africarevamp/Seychelles/

8 www.intelvision.sc/index.php

9 An internet services company now owned by Cable and Wireless. www.cwseychelles.com/about-us/media-center/press-release/2006/01/cable-wireless-acquisition-atlas-successfully-concluded

10 www.seychelles.sc

11 www.ict.gov.sc/Infotech/itfunc.aspx

12 World Investment News. (2017, 31 May). Seychelles, Republic of: Interview with Mr Benjamin Choppy. www.winne.com/sc/interviews/mr-benjamin-choppy

1 www.ict.gov.sc/homecnt/strategic.aspx

2 Doria, A., & Kleinwächter, W. (Eds.) (2008). *Internet Governance Forum (IGF): The First Two Years*. www.intgovforum.org/multilingual/filedepot_download/3367/5

Nonetheless, after looking at various relevant official websites and speaking with individuals who operate in this area, it is clear that, so far, the process of strategy development and policy making for internet governance in Seychelles cannot be described as widely inclusive. The stakeholders with the greatest decision-making prerogatives remain public sector bodies and IT service providers.

Towards a Seychelles IGF

The idea of internet “governance” may be seen by some as a double-edged sword. An IT specialist who worked in Seychelles for a number of years feels that “governance” implies greater controls, which would result in the creation of bodies and mechanisms to exert that control. For example, when it comes to internet content, he says:

The idea of having a governance council gives tacit validity to the existence of a governance mechanism. That governance mechanism is ultimately controlled by whoever has their hands on the wheel. [...] In my opinion, Seychelles would be particularly vulnerable to misuse of a governance mechanism (monitoring, censoring) because of its small population, limited internet providers and telecom point-of-presence. If you are looking at the physical layer (through which information travels) that’s a different topic. I could see some benefit in there being open discussion on where and how resources would be spent to increase capacity to certain parts of the islands, etc.¹³

Another point of view is put forward in a paper presented at the 2015 Southern African IGF (SAIGF):

Since its inception, the internet has been governed. This governance has been exercised by users, who choose and create content to a degree not possible in traditional media; by corporations, through peering agreements and other contractual arrangements for exchange of traffic; by national governments through their state owned or regulated communications infrastructures; by international treaty organisations like the WTO [...] and WIPO [...]; and by non-governmental standards bodies that develop the protocols and other technical standards, which often embody policy choices affecting individual interests.¹⁴

It is therefore assumed that national IGFs could make these processes at national level more transparent, less geared towards narrow individual interests, and less susceptible to control by particular influential groups.

Should a national IGF be set up for Seychelles, it is expected that it would work as it ideally does elsewhere: from the bottom up. The process, as it is envisioned, starts at the “grassroots” national level, then moves on to the regional level, which in turn feeds into the continental level, and ends at the global level. According to the IGF convenor for the SAIGF, this makes it possible for national stakeholders’ opinions and priorities to be presented and taken into consideration at the annual world forum.¹⁵ But first and foremost, the national IGF would be a mechanism that would allow all stakeholders in the country to discuss, articulate and agree on national priorities for the internet in the country.

A national IGF would also need to abide by other key principles of the global IGF, these being openness and transparency (in communications, decisions and their implementation); inclusiveness; and a non-commercial approach, in addition to supporting language diversity and optimising remote participation.

The IGF functions according to a specific model. For example, the continental Africa IGF (AfIGF) is hosted by the African Union and is guided by a committee whose members “serve in their personal capacity, but are expected to have extensive linkages with their respective stakeholder groups.”¹⁶ At the regional level, the SAIGF was set up as a consortium led by a Multistakeholder Coordinating Team (MCT), with a secretariat hosted by the Southern African Development Community (SADC).

Existing national IGFs in the Southern African region are found in Malawi,¹⁷ Mauritius,¹⁸ Mozambique,¹⁹ Namibia²⁰ (launched in 2017), South Africa²¹ and Zimbabwe.²² These six IGFs are among the 16 national IGFs currently on record for Africa.²³

Global, regional or national IGFs typically meet once a year. The global IGF meetings are usually

15 Interview with Dr. G. Ah-Thew, 21 August 2017.

16 www.afigf.org/sites/default/files/documents/tors_for_afigf.pdf

17 www.malawi.intgovforum.org

18 www.mauritius.intgovforum.org

19 www.intgovforum.org/multilingual/content/african-regional-group

20 <https://namibia.intgovforum.org>

21 <https://www.zaigf.org.za/about.html>www.zaigf.org.za/about.html

22 www.zigf.org.zw/www.intgovforum.org/multilingual/content/african-regional-group

23 www.intgovforum.org/multilingual/content/african-regional-groupwww.intgovforum.org/multilingual/content/african-regional-group

13 Email exchange with K. Keeton, 10 August 2017.

14 Zvavanjanja, C. (2015). A case for multi-stakeholder partnership for critical internet resource security in the region. Thematic paper presented at SAIGF 2015, Harare, Zimbabwe, 8-9 November.

held in November/December, while continental level meetings are usually held around September/October. The Southern African regional IGF (SAIGF) states that it strives to organise its meetings around the months of June/July. This approach implies that any national meeting would need to take place earlier in the year so that information is then fed into the next level as described above.²⁴

An important aspect regarding a national IGF in Seychelles would be the willingness of stakeholders to become involved in the venture. There are suggestions that the Citizens Engagement Platform Seychelles (CEPS),²⁵ which is the national platform for the country's NGOs/civil society groups, or specific organisations like the Association of Media Professionals, could, with some external support, host a Seychelles IGF.

The Association of Media Professionals includes professionals from all local media houses, and its aim is to further the cause of journalism and other media professions, as well as to push for more training and get recognition for the work that media professionals do. One of its representatives, Maria Annette Ernesta, believes that an IGF would be useful for Seychelles. Ernesta says:

Seychelles is at a crossroad right now politically, economically and socially. So many things that appeared impossible in the past, are now possible. A lot has to do with access to the internet in the islands. Social media has opened up the political dialogue like never before and with such a forum so many things like online training, debates and discussions could be possible.

She adds that the IGF “would be making use of [internet] technology to do a number of activities, networking, and advance education. There are no drawbacks with a project like that, it just requires motivation and good connectivity.” She does caution, however, that “some of the setbacks are the still very expensive and often slow internet” – an issue that could be central to discussions at a national IGF.

Ernesta's interest in an IGF appears to be shared by others in Seychelles. Stand Up Step Up Seychelles,²⁶ a non-governmental organisation led by Trevor Louise, serves as a platform for youth empowerment and provides help for victims of bullying as well as bullies (at school in particular) and also for parents. The NGO is currently partnering with the

Association for Rights, Information and Democracy (ARID) to offer a free helpline for cases of bullying, with the support of Cable and Wireless Seychelles. Louise agrees that “there is a necessity for an Internet Governance Forum in Seychelles” and expresses interest in being part of a national IGF.

It was suggested by the SAIGF that national IGFs in the region tend to be hosted by government bodies, rather than NGOs and civil society, because they have access to resources. However, there are examples of civil society taking the lead in setting up a national IGF. In Armenia, the national chapter of the Internet Society (ISOC) successfully organised the first national IGF by securing funding from ISOC and from the IGF, creatively using the resources available, and involving student volunteers. It is reported that “ISOC Armenia engaged the Ministry of Transport and Communication and local businesses from the very beginning on a partnership basis. This meant that these partners took over the organisation of certain sessions and provided speakers or moderators across the agenda. Also, the Ministry and local businesses facilitated the invitation process within their respective communities.”²⁷

It should be noted that ISOC contributed to the Seychelles Internet Exchange Point (IXP) which was launched in 2015.²⁸ ISOC's website offers the possibility for individuals or groups to start a local chapter, and the approach is clear and uncomplicated.²⁹

The SAIGF, for its part, is able to offer technical assistance, help in drafting an agenda, and some financial support (up to USD 2,000) to organise the event. The recommendation of the SAIGF is that interested parties in Seychelles should approach the DICT and collaborate with it in order to organise a national IGF.

Conclusions

It is clear that in Seychelles, decision-making processes regarding the internet do not yet include civil society, the vast majority of the private sector

²⁴ Interview with Dr. G. Ah-Thew, 21 August 2017.

²⁵ www.civilsociety.sc

²⁶ www.facebook.com/Stand-Up-Step-Up-Seychelles-278316985930353/

²⁷ Palovirta, M. (2015, 3 November). The First Armenian Internet Governance Forum: The Lessons Learnt. *Internet Society*. <https://www.internetsociety.org/blog/2015/11/the-first-armenian-internet-governance-forum-the-lessons-learned>

²⁸ “The IXP was established with the support of the African Internet Exchange System (AXIS), a project of the African Union implemented by the Internet Society. Under the AXIS project, the Internet Society conducted an IXP best practices workshop in Victoria [Seychelles] from 22-23 July 2013, followed by a hands-on technical training to 19 network engineers from 24-28 February 2014.” Hailu, B. (2015, 26 February). Internet Exchange Point launched in Seychelles. *Internet Society*. internetsociety.ngo/blog/africa-bureau/2015/02/internet-exchange-point-launched-seychelles

²⁹ www.internetsociety.org/who-we-are/chapters/start

(except those who operate in IT), and some parts of the public sector. Yet these groups represent a large proportion of end users, and their views need to be considered in shaping the internet.

The readiness for greater collaboration with a wide range of stakeholders and a focus on the principles of the IGF may already exist, as implied in the words of the head of the DICT, who says that the department “is cross-cutting across government and even nationally. [...] In terms of transparency, accountability, and governance, I think that by nature e-government and ICT systems, in general, are inherently enablers of promoting and supporting the practice of these values.”³⁰

Some of the people consulted for this report felt that there was a need for a national IGF in the country, while others were not entirely convinced. Concerns seemed related more to the name of the initiative – their focus being on “governance” rather than “forum” – despite attempts to explain the nature of the IGF. For some, the word “governance” evokes greater controls, rather than collaborative discussions on the future of the internet in the country.

Overall, it was evident that the concept of the IGF is generally neither known nor understood in Seychelles and that it could certainly benefit from more visibility. The IGF needs to be marketed to the relevant stakeholders because it is hardly reasonable to think that people will be interested in something they have never heard of.

The setting up of a national IGF would allow stakeholders from all sectors in Seychelles to openly

voice concerns and put forward suggestions for an internet that is playing an increasingly important role in their lives and that is having such a strong, and not yet fully understood, societal impact.

Action steps

There are two key actions steps that are necessary in Seychelles:

- The first involves engaging organisations that would be willing to host the forum, and act as the facilitator in setting up a multistakeholder coordination committee. Funding opportunities for hosting an IGF, as well as institutions such as SAIGF that can support such an initiative, need to be identified. Potential organisations which may be interested in playing this hosting role are the Association of Media Professionals and Stand Up Step Up Seychelles. However, there are likely to be others. Government agencies should also be approached to be involved from the start.
- Secondly, there is a need for awareness raising on the importance of holding a national IGF, including on the principles of progressive, multistakeholder and transparent governance and policy-making processes. Ways to engage a wide range of stakeholders across different sectors – including the chamber of commerce, civil society and the private sector – need to be investigated. Media interest should be encouraged in order to increase the quality and frequency of reporting on internet governance issues.

³⁰ World Investment News. (2017, 31 May). Op. cit.

SOUTH AFRICA

SOUTH AFRICA AND INTERNET GOVERNANCE: ARE WE JUST TICKING A BOX?



Emerging Leaders in Internet Governance - South Africa
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Introduction

This year, the 59th periodic public meeting of the Internet Corporation for Assigned Names and Numbers (ICANN59)¹ was hosted in Johannesburg, South Africa, and I attended most of the sessions. I used Uber frequently during this time, and on one of the days the Uber driver asked me where I was headed. I told him that I was going to an internet policy meeting; he looked at me funny and asked, “The internet has policy? Or do you mean you are going to a policy meeting that will be hosted online?” He could not understand that people actually talk about internet policy. He then looked at me and said, “Why don’t we know about these things? I work with Uber and I would like to be part of any internet policy meeting because I source my income from an internet company.”

The internet is changing the world around us, and internet governance is fast becoming everyone’s concern. This means that local Internet Governance Forums (IGFs) have an important role to play in ensuring that everyone is part of the conversation and has the opportunity to shape domestic internet policy. Yet this opportunity is not always appreciated by stakeholders. South Africa has hosted three national IGFs (ZAIGFs) through local civil society efforts. However, it was only last year when the government recognised the ZAIGF and participated.

The working definition provided by the World Summit on the Information Society (WSIS) on internet governance is: “The development and application by Governments, the private sector, and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.”²

While this is a working definition, it is clear that good internet governance requires a collective effort and is rooted in multistakeholderism. This approach seems to be ideal as it calls for inclusivity, transparency and accountability. In the case of South Africa, it is a win to have government finally on board at the ZAIGF and one hopes that its participation will be fruitful. Local IGFs present a great opportunity to shape progressive domestic internet policy and I believe such opportunities should be used. Drawing on interviews with stakeholders in the field,³ this report examines the impact of the ZAIGF on domestic internet policy in South Africa, while identifying challenges we face in developing an inclusive, multistakeholder internet governance culture.

Policy and political background

State capture!
Cabinet reshuffle!
Vote of no confidence Mr. President!
White Monopoly Capital!
#FeesMustFall!
ABSA collusion!
Penny Sparrow you monkey!

These are some of the controversial phrases doing the rounds in South Africa, and which paint a picture of our political and economic climate. South Africa was hallmarked as one of the few countries in the world that transitioned smoothly into democracy. The authenticity of the “smooth transition” is currently being tested in South Africa. Politically and economically, the country finds itself in a deep state of reflection and contention. There are increasingly stronger and diverse voices that are questioning the rule and ideologies of the liberation party, the African National Congress (ANC), with many “previously disadvantaged” groups feeling betrayed and let down by the party that sparked hope for a prosperous future that it has failed to deliver. When faced with fundamental issues of inequality, racism and corruption, it feels like internet

¹ <https://meetings.icann.org/en/johannesburg59>

² Working Group on Internet Governance. (2005). *Report of the Working Group on Internet Governance*. <https://www.wgig.org/WGIG-Report.html>

³ Some interviewees preferred to be anonymous, and this is reflected in the report.

governance becomes a luxury talking point. Internet governance is not high on the public agenda in South Africa and there is little news coverage on internet policy-related events or meetings.

However, this does not mean the South African government is not concerned about internet governance. In fact, one could argue that the government is prioritising internet policy – even though the way they are going about it may not always be inclusive. This prioritisation is evidenced by the release of the National Integrated ICT Policy White Paper (2016),⁴ which explicitly lists internet governance as a core focus area for South Africa. Additionally, there are a number of recent draft policy regulations and bills that seek to regulate the internet, like the Draft Online Regulation Policy (2014)⁵ by the Film and Publication Board and the Cybercrimes and Cybersecurity Bill (2017).⁶ Both the Film and Publication Board's draft policy and the cybercrimes bill were controversial, meeting with significant resistance from civil society organisations⁷ and think tanks⁸ – an indication of the extent to which the bills, although being opened for public input, are not being formulated in an inclusive way.

The nature of policy making in South Africa is heavily dependent on the ruling party, and little room is available for public participation in policy formulation. However, section 59 (1a) of the constitution requires the government to conduct a public consultation process before it enacts or approves policy or legislation.⁹ In recent years, the “chapter nine institutions”¹⁰ – or institutions set up to safeguard democracy in South Africa – have been instrumental in holding the government accountable.

Multistakeholderism in South Africa: Tap dancing or equal footing?

While the policy-making process in South Africa looks good on paper, the government has been critiqued for not upholding the values and principles of the constitution. Multistakeholderism as a practice is not new in South Africa; for example, post-1994 there was an initiative called the National Economic Development and Labour Council (NEDLAC) which sought to make social and economic policies more inclusive¹¹ and called on all stakeholders to take part in policy formulation. The spirit and zeal that the new South Africa had in public participation in policy matters seems to be dwindling as the years go by, and this leaves much room for revival, especially in the emerging field of internet governance.

A representative from a research think tank shared this assessment of the multistakeholder landscape in South Africa: “South Africa represents more of a multilateral landscape where the government would rather lead the process than participate in a truly multistakeholder process.” From the stakeholder interviews conducted for this report, many respondents felt that the government does not fully embrace the multistakeholder model and this poses a threat to productive multistakeholder discussions.

Based on the WSIS working definition of internet governance, there is an emphasis on the respective roles of the stakeholders. However, to a large extent, that is open to interpretation. Broadly speaking, it warrants a further analysis of what is meant by multistakeholderism: does it mean stakeholders are on an equal footing or are there hierarchies? The lack of clarity, in my opinion, causes great challenges in local internet governance settings, where civil society organisations often feel overlooked in their pursuit of shaping domestic internet policy. The director of global policy and strategy at the Association for Progressive Communications (APC) said, “They [government] tend to only participate in events that they initiate. They want to speak, not listen. Teach, not learn.”¹² It is clear that there seems to be an imbalance of power that needs to be addressed in order to ensure that internet governance discourse in the country is as inclusive and representative as possible.

Nevertheless, one has to commend the South African government, through its Department of Telecommunications and Postal Services (DTPS), for engaging more in internet governance

4 Department of Telecommunications and Postal Services. (2016). *National Integrated ICT Policy White Paper*. https://www.dtps.gov.za/images/phocagallery/Popular_Topics_Pictures/National_Integrated_ICT_Policy_White.pdf

5 Films and Publication Board. (2014). *Draft Online Regulation Policy*. <https://drive.google.com/file/d/0BoFOi7Ay2OZ6ZU1fZn13NEQ4UTQ/view>

6 Department of Justice. (2017). *Cybercrimes and Cybersecurity Bill*. www.justice.gov.za/legislation/bills/CyberCrimesBill2017.pdf

7 Right2Know. (2017, 13 September). R2K: Cybercrimes Bill is a threat to internet freedom. www.r2k.org.za/2017/09/13/r2k-cybercrimes-bill-is-a-threat-to-internet-freedom

8 Calandro, E. (2015, 29 May). The South African Draft Online Regulation Policy as a form of “censorship by proxy”. *Research ICT Africa*. <https://researchictafrica.net/2015/05/29/the-south-african-draft-online-regulation-policy-as-a-form-of-censorship-by-proxy>

9 Department of Justice. (1996). *The Constitution of the Republic of South Africa*. www.justice.gov.za/legislation/constitution/SACConstitution-web-eng.pdf

10 Ibid.

11 www.nedlac.org.za

12 Online questionnaire, August 2017.

multistakeholder settings over the last two years, whether through the ZAIGF or its own internet governance working group. These strides are significant because it is the right step towards inclusivity and greater public participation in shaping domestic internet policy.

Balancing the power and creative stakeholder strategies

As much as the government seems to be the dominant stakeholder group that pushes its weight around, private business (internet companies and mobile operators) are also dominant players in shaping internet governance discourse and domestic internet policy in South Africa. In an interview with the Gauteng Chapter of the Internet Society (ISOC-Gauteng),¹³ the president of the chapter felt the imbalance in power is largely due to the fact that private business drives most of the economic will in South Africa's digital economy. Having government and business being the only stakeholders with real power to shape internet policy is risky, especially in ensuring that human rights and public interests are protected and adhered to.

Civil society and academia are stakeholder groups that should also have a seat in shaping internet governance discourse and domestic internet policy; these groups speak from a public interest point of view backed with facts and findings that ideally should be used to guide government policy. However, these groups feel the most sidelined. Sadly, it seems that South African civil society and academia are also alienated from each other, and work in silos with varying interests. The fragmentation between these two important groups hinders the potential of a strong public unit which could really tackle the hegemony of the government and business in internet governance discourse and policy.¹⁴

Even though the multistakeholder relations in South Africa can be improved, it has been interesting to watch how stakeholders will work together when they have a common cause. When the Film and Publication Board released its Draft Online Regulation Policy, private business, civil society and academia were concerned and united against it. There was a sector roundtable organised and all three stakeholder groups were there and drafted a joint statement.¹⁵ This collective effort was admirable to watch and participate in, and it pointed to an

important lesson: when a common and shared vision exists, a lot can be achieved.

Clarifying the secretariat for the ZAIGF

As mentioned, South Africa has had three national IGFs, a result of the commitment and dedication of various groups who are interested in ensuring the openness and inclusiveness of local internet governance discourse and analysis. Organisations like ISOC-Gauteng¹⁶ have championed this commendable cause. As interest grows in the internet governance policy landscape in South Africa, deeper thought has to be given to how the ZAIGF is organised and managed, especially with the government on board. There needs to be a collective and orderly body that manages the coordination of the forum. Currently there is no clarity as to whether there is an existing structure in place.

"It is not clear who/where is the secretariat of the South Africa IGF." – Anonymous respondent

Over 90% of stakeholders and individuals interviewed expressed uncertainty regarding the status of the ZAIGF secretariat. A representative from the Open Democracy Advice Centre believes that the shifting political will in the country is delaying the establishment of a fully functional secretariat.¹⁷ As a participant in internet governance discourse in my country, it is important for me to know what body is handling the local IGF and what processes it follows. What came out strongly from the interviews was that an efficient secretariat was necessary in building trust, establishing confidence and gaining credibility. The five main characteristics outlined by stakeholders for an efficient secretariat were:

- An accessible structure, meaning one that is known to the public, easy to contact and get information from, and resourced.
- Openness, including regular public calls for participation (e.g. proposals for sessions at the ZAIGF).
- Transparency on how decisions are made regarding theme, speakers and financing.
- Accountability, in that it prepares and disseminates reports on the ZAIGF, and tracks the impacts of ZAIGF on domestic internet policy.
- An inclusive, multistakeholder-led body that acts as advocate for greater collaboration and partnerships in tackling internet policy, and which is abreast and cognisant of nationwide interests.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ SOS Coalition. (2015, 1 June). *Report: Sector Roundtable on the Film and Publication Board's Draft Online Regulation Policy*. www.soscoalition.org.za/report-sector-roundtable-on-the-film-and-publications-boards-draft-online-regulation-policy

¹⁶ <https://www.isoc-gauteng.org.za>

¹⁷ Online questionnaire, August 2017.

The significance of having a secretariat in place lies in having a trusted multistakeholder-led body spearheading internet governance discourse in the country and ensuring that discussions are turned into action points. It is important that we start turning the conversations that take place at the ZAIGF into domestic internet policy, as they are important because they speak to issues that ordinary South Africans are grappling with.

Government's interest in ZAIGF

In my view, having government on-board is a win; but this has to go beyond just having government attending the ZAIGF. Having government at the ZAIGF should present an opportunity to shape domestic internet policy; however to exploit this opportunity, the government needs to have its house in order.

"There is a lot of fragmentation at the level of government, e.g. several departments deal with internet-related matters and they don't work together." – Director of global policy and strategy, APC

The fragmentation reported in government poses a challenge when effectively engaging in internet governance discourse with the goal of shaping internet policy. Even if state department officials attend the ZAIGF, no one is really sure which state department deals with which internet policy issue. Many do not know who questions or recommendations should be directed to. This is a concern for me as a participant in the ZAIGF, as someone – a young person – who wants their voice to be heard. Even for other, more experienced stakeholders, it becomes tricky because one will never know if their recommendations are falling on deaf ears.

Impact of the ZAIGF on domestic internet policy in South Africa

A local participant of the ZAIGF shared the following:

The discussions help to elevate issues but it is not clear if there are correlations between the discussions and domestic policy. It is not apparent how the discussions are captured and the outcomes conveyed to policy makers. Representatives of DoC [Department of Communications]/DTPS are in attendance and one assumes that this is how the outcomes are conveyed to relevant decision-making structures. However, there does not appear to be a formal process.

The role of the secretariat in assessing and tracking the discussions that take place during the ZAIGF against domestic policy changes should be an

imperative. Forums are famous for being referred to as "talk shops", and the mission and function of the ZAIGF should be to dispel this belief. Currently there is lack of a clear link between what is being discussed at the ZAIGF and actual domestic policy.¹⁸ The blurred lines have caused a lot of disgruntlement from active participants in the ZAIGF and are thereby slowly diminishing the value of the forum.

Despite these deep feelings of neglect, some respondents felt that the ZAIGF has played a significant role in shaping recent internet policy in the country. The National Integrated ICT Policy White Paper mentioned in previous sections was largely shaped by the ZAIGF. While this is a positive, it seems that the majority of participants are seeking consistency and transparency in the way government decides on what makes it to policy and what does not. Additionally, South Africa is a very unequal society, and some of the discussions that take place at the ZAIGF talk about affordability, the digital divide, digital literacy, etc. While this is good and well, the biggest contention is: to whom are we talking when the unconnected are not in the forums? There is a feeling that IGFs – and this is not limited to the ZAIGF – are elitist and exclude the large majority of people that actually need to participate in these conversations.

Youth and women's participation at the ZAIGF

As a young South African female who uses the internet every day and is very interested in internet governance, I find that the ZAIGF as a platform for participation could be better. Some of the challenges that I have faced include the lack of openness and transparency in how the agenda and workshops are determined. As I write this report, there is no word on when the next ZAIGF will take place and how organisations can participate in shaping the agenda and proposing workshops. Moreover, as a young female, my voice is often brushed off and my input neglected. The organisation I co-founded, Emerging Leaders in Internet Governance – South Africa, seeks to raise awareness about internet governance and bring young voices to the conversation, with the aim of shaping internet policy. However, it is not clear to me if there is room for us to be part of the conversation.

Regional reflection

In 2016, the African IGF (AfIGF)¹⁹ was hosted in South Africa and it was great to see the local and regional stakeholders coming together. As a partic-

¹⁸ Online questionnaire respondent, August 2017.

¹⁹ afigf.org

ipant who attended both the AfIGF and the ZAIGF, I felt inspired to participate more, because it was evident that the issues South Africa was grappling with were not different from other countries in Africa. South Africa deciding to host the AfIGF was also a way in which the country signalled its interest in the internet governance space. As times goes by, we hope to see how this interest will manifest and whether local internet policy formulation will be inclusive and genuinely multistakeholder in nature. After the AfIGF, there were high spirits of euphoria and one would think that the level of participation and attention given to the ZAIGF would have grown significantly. However, it is evident that there is more that needs to be done and more commitment from all stakeholders is needed to capitalise on this energy.

I have found that it is important and beneficial to have local IGF initiatives that link to regional and global initiatives. As much as there are contextual issues, a lot can be learned and gained from working together and synching our initiatives. What the global IGF does well is setting a tone and a theme to consider when engaging and trying to organise local IGFs, and the spectrum of issues covered by the global IGF also gives room for local organisers to consider topics that might be overlooked in local settings. At the moment, the theme for the global IGF is “Shape Your Digital Future”, and this can mean anything and everything in different contexts. In my view, it serves as a thought starter that local organisers can benefit from.

From a participant point of view, it seems that the global IGF is efficient and sets a great precedent for how things should be done. There is a secretariat in place, a website and an open call for workshops and sessions. Furthermore, the process is largely multistakeholder-led. While the process and organisation may not be smooth, there can be great lessons that Africa and South Africa can learn in trying to set up local secretariats.

Conclusions

As we forge forward in our efforts as South Africa to create a truly multistakeholder internet governance community, there will be mistakes that will be made and memorable wins. What is important to me is to keep the momentum going and to be vigorous and aggressive in our pursuits of attaining a truly

multistakeholder internet governance policy landscape. I believe that South Africa has the potential to be a leader in internet governance discourse, so long as all interested parties are involved in the process.

There are a number of key take-aways that I have been able to draw:

- Capacity building for all stakeholders is needed to better engage with one another.
- Stakeholder participation needs to be meaningful, as attendance on its own does not bring the desired results. Participation needs to have a purpose and an outcome.
- Preconceived animosity stifles engagement.
- Effort from state institutions to understand the modalities of multistakeholderism is necessary. They need to truly come to the fore.
- Internet governance dialogues are elite and exclude the much-needed voice of the unconnected and youth.

Action steps

I would make the following recommendations to civil society:

- Do not be discouraged by power politics. A lot of credit goes to local civil society organisations for putting a spotlight on internet governance issues in South Africa, as well as for leading the way for the inaugural ZAIGF.
- Do not wait for the government to act. Continue organising local internet-related meetings and events.
- There is a need for a greater collective effort from South African civil society organisations and academia, as this will strengthen their voices. This can manifest itself through collaborating on statements and public comments. Discussions also need to be had between the two on how best to engage government and business.
- Lead awareness raising among ordinary citizens, especially the youth, about the importance of participating in local internet governance discourse.
- Engage with the unconnected and bring their perspectives to local internet governance discourse.



Afrotribune

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Introduction

Since it was first held in 2011, the Togo Internet Governance Forum (Togo IGF)¹ has opened an important window for multistakeholder debate on internet governance issues in the tiny West African nation. According to its pioneers, the forum aimed to create a framework to discuss and reflect on internet development issues in Togo, identify relevant stakeholders, and collect ideas and recommendations from different perspectives to strengthen the dialogue process. While international and regional organisations such as the Open Society Initiative for West Africa (OSIWA)² and Free Software and Open Source Foundation for Africa (FOSSFA)³ were instrumental in laying the foundations for the forum, it has grown from strength to strength. With about 80 participants in 2011 – mostly members of the technical community – the following four forums experienced an overall increase in the number of participants taking part, with 500 in 2013, 150 in 2014, 100 in 2015 and 300 in 2016. It was officially recognised by the UN IGF secretariat in 2015.

However, the Togo IGF has not been without its challenges – most notably the absence of the government in these discussions. This report reviews the evolution of the forum in Togo, the actors, the challenges, and the influence of national IGF recommendations on national internet policy processes.

Policy, economic and political background

Togo, a country of approximately 56,785 square kilometres, shares borders with Ghana to the west, Burkina Faso to the north and Benin to the east. The nation of 7.6 million inhabitants has over the years been the target of criticism over its human rights record and poor political governance.

For the last 50 years, the country has known only two presidents. The current president, Faure Essozimna Gnassingbé, was appointed to the

presidency by the military in 2005 following the death of his father, who had ruled for 38 years.

After a period of instability, Faure Gnassingbé won two elections, in 2010 and 2015. Both were decried by the opposition, but the international community, including the African Union and European Union, said the vote was largely free and fair.

After gaining independence from France in 1960, Togo struggled to build a stable country, infrastructure and economy. The country is among the world's top five producers of phosphates but depends on foreign aid for its survival. Foreign direct investment is still allowed only in certain sectors, and regulatory and judicial systems are vulnerable to corruption and political interference.

The main drivers of the economy are agricultural production and the extractive industries. Agricultural production accounts for approximately half of the country's gross domestic product (GDP).

Since 2015, the country has undertaken a series of economic reforms, restructuring its key sectors – especially banking, electricity, transportation and information and communications technology (ICT). The corporate tax rate, formerly one of the region's highest, has been lowered. The government has also taken steps to exempt value-added tax (VAT) on ICT equipment and create a digital infrastructure company to hold its strategic telecommunication assets.

Before the first IGF in 2011, Togo had no multistakeholder internet public policy dialogue process – and also had no ICT policy. Early attempts at engaging stakeholders to formulate one failed mainly due to political instability.⁴

The West African nation's state apparatus has remained locked in favour of the ruling party since the enactment of a constitutional amendment in 2002, which allows the president to serve for more than two consecutive terms.

The move sparked protests, and the party in power for the previous 35 years blocked all attempts at reforms in many sectors, including the ICT

1 www.fgi-togo.tg

2 www.osiwa.org

3 www.fossfa.net

4 Akoh, B. (2012). *Supporting Multistakeholder Internet Public Policy Dialogue in a Least Developed Country: The Togo Experience*. Winnipeg: International Institute for Sustainable Development. <https://www.iisd.org/library/supporting-multistakeholder-internet-public-policy-dialogue-least-developed-country-togo>

area, in particular due to the political instability and unrest both before and after the presidential election of June 2003.

After the 2002 constitutional amendment and June 2003 election, the country descended into political chaos. In 2005, the international community and regional bodies urged a power-sharing deal, which lasted until 2007 when the government was reshuffled twice with new ministers.

Attempts at engaging the government to formulate an ICT policy were subjected to great risk,⁵ even though a political agreement for Togo called the *Accord Politique Global* (APG) was signed in neighbouring Burkina Faso in August 2006, following dialogue between the government and various opposition parties.⁶

It was nearly impossible under the chaotic political circumstances experienced in Togo in the early 2000s to pay attention to ICT policy concerns, despite the attempts to do so. Similarly, it was also almost impossible to engage the government with ongoing national and regional policy initiatives such as those spearheaded by the United Nations Economic Commission for Africa (UNECA) under the National Information and Communication Infrastructure (NICI)⁷ initiative and the Economic Community of West African States (ECOWAS) ICT reform.⁸

According to a report published by the International Institute for Sustainable Development (IISD) in 2012, titled *Supporting Multistakeholder Internet Public Policy Dialogue in a Least Developed Country: The Togo Experience*, ten attempts have been made to produce a national ICT policy document without yielding much by way of tangible outcomes.⁹

Between 2005 and 2010, Togo had a total of four cabinet reshuffles. But this did not result in new policy dialogue or major reform in policy.

Togo's first IGF

Although Togo had not yet produced a public policy document on ICTs or the internet as of 2011, several national actors and stakeholders in the technical community, academia and especially in civil society

were already members of several mailing lists and discussion groups at the sub-regional and continental level.

Some of the stakeholders actively participated in international forums and dialogue related to internet governance and public ICT policies. Others were members of organisations such as the Internet Corporation for Assigned Names and Numbers (ICANN),¹⁰ the Internet Society (ISOC),¹¹ the Association for Progressive Communications (APC),¹² AfriNIC¹³ and the West African Forum on Internet Governance (WAIGF).¹⁴

Since early 2010, organisations such as APC and FOSSFA, among others, had identified local champions of internet development in Togo as national resource persons to lead the foundation for the first IGF in the country.

These organisations liaised with core local resource persons like Alain Aina (from AfriNIC), Jean Robert Hountomey (ISOC Togo), Arnaud Amelina (*Agence Universitaire de la Francophonie*),¹⁵ and Atafeitom Tagba (Director of Cabinet of the Ministry of Telecom).

By the end of 2010, there was a general consensus to hold Togo's first multistakeholder IGF. An advisory committee, including representatives of the government,¹⁶ the telecommunication regulation authority, the technical community and civil society, was set up, and the IGF was set for 18 April 2011 at the ECOWAS Centre of Financial Services (CASEF) in the capital of Lomé.

The forum brought together some 60 participants from universities and youth organisations, along with representatives from local human rights groups and NGOs, the local internet technical community, internet service providers (ISPs) and media representatives. The ministry in charge of ICTs in the country did not participate in the advisory group or the forum. However, the ICT regulator intervened in a panel during the IGF. The gathering, which was the first public consultation with a specific focus on the internet and its impact, opened the debate on issues related to internet development and the need to produce ICT policies in Togo.

The forum also allowed the different actors to discuss the conclusions of a regional study carried

5 The power-sharing deal resulted in political instability of the ministries and institutions and a lack of political will.

6 OECD, et al. (2011). *African Economic Outlook 2011: Africa and its Emerging Partners*. Paris: OECD. dx.doi.org/10.1787/aeo-2011-en

7 UNECA. (2007). *NICI e-Strategies: Best Practices and Lessons Learnt*. Addis Ababa: UNECA. www.uneca.org/sites/default/files/PublicationFiles/nici-book.pdf

8 World Bank. (2007). *Regionalizing Telecommunications Reform in West Africa*. Washington, D.C.: World Bank. documents.worldbank.org/curated/en/125301468009942364/West-Africa-Regionalizing-telecommunications-reform-in-West-Africa

9 Akoh, B. (2012). Op. cit.

10 <https://www.icann.org>

11 <https://www.internetsociety.org>

12 <https://www.apc.org>

13 <https://www.afrinic.net>

14 www.waigf.org

15 www.tg.refer.org

16 Initially, the government participated in the advisory group but not the event itself. In 2016, it did not participate in the advisory group or the event.

out by the IISD¹⁷ on the real need and opportunity to launch multistakeholder discussions on the development of the internet in the West African sub-region, and especially in Togo. Recommendations were drafted and submitted to the government and all the stakeholders.

The recommendations highlighted the importance of grassroots involvement in internet governance and suggested that local-level policy consultations should not be trivialised but rather considered an intrinsic part of the process of developing national priorities and objectives.

The IGF also catalysed public interest in ICT policies, arguably leading to major later reforms in the sector.

Among these were:

- A draft Electronic Communication Bill.¹⁸
- A sectorial policy statement, the Technology Strategy for the Promotion of Information and Communication Technology 2011–2015.¹⁹
- Implementation of an e-administration report commissioned by the government in 2009 and financed by the United Nations Development Programme (UNDP).

Moving ahead...

With a new government in 2012 and fresh legislative elections, other policy initiatives followed. The Ministry of Post and Telecommunications, which for years had been in charge of the ICT sector, changed its name to the Ministry of Post and Digital Economy. The regulator of the ICT sector, known as the Regulatory Authority for the Post and Telecommunication Sectors, also changed its name and status and became the Authority for the Regulation of Electronic Communications and Post. The new ministry, which focused more on the digital economy and e-government projects, eventually passed the draft Electronic Communication Bill mentioned earlier into law and launched an e-government project between 2015 and 2017.

In 2013, Togo organised its second national IGF, which brought together even more participants (about 500) and representatives of almost all relevant stakeholder groups. Again, important discussions and recommendations were produced to advance policy dialogue and internet development in the country.

The discussions were mainly around accessibility and affordability of the internet, the need for a VAT exemption on ICT products, the need for a national policy to promote broadband, the re-delegation of Togo's country code top level domain (ccTLD), the need to have an online transaction and cybersecurity law, and the need to amend the Universal Service Fund (USF) Act, among others.

Participants also recommended that the country set up an internet exchange point (IXP) through which ISPs and content delivery networks in the country could exchange internet traffic between their networks. Again, the recommendations were sent to the government and all the stakeholder groups.

Between 2015 and 2016, the Togo IGF's recommendations reiterated the crucial need for the government to join the public consultations and to participate in national dialogue with other stakeholders.

In 2017, the government launched the first IXP in Togo, and waived the VAT on ICT products entering the country. The Bill on Electronic Communication was also passed into law. In August 2017, the government also launched a new sectorial policy statement for the period 2018 to 2020, with a focus on broadband internet connectivity, deployment of a fibre-optic cable across the country, smart schools, and a review of the regulatory framework to attract more foreign investment into the ICT sector. Most of the focuses of this new sectorial policy statement reflect the recommendations of the 2016 national IGF.²⁰

There may be no direct correlation between the different internet governance multistakeholder consultative forums and the sudden emergence of the important policy outcomes mentioned above, but these important moves by the government have at the very least motivated stakeholders to deepen the debates on mailing lists and other ICT-related forums to produce important recommendations for policy and legislative change in the country.

The major projects embarked on by the government also indicate the importance of public multistakeholder consultations – a multistakeholder approach allows a wider net of beneficiaries to profit from the government plans to increase infrastructure and the development of the digital economy.

Since 2016, the government of Togo, through the Ministry of Post and Digital Economy, has been

¹⁷ Akoh, B., et al. (2011). *Preparing the grounds for the West Africa Internet Governance Forum*. Winnipeg: International Institute for Sustainable Development. <https://www.iisd.org/library/preparing-grounds-west-africa-internet-governance-forum>

¹⁸ www.droit-afrique.com/upload/doc/togo/Togo-Loi-2012-18-communications-electroniques.pdf

¹⁹ www.artp.tg/rapport/dpstic.pdf

²⁰ A year before, in 2016, the parliament had voted on a law on access to public information and also the re-delegation of the ccTLD (.tg).

organising an annual forum called IT Forum Togo²¹ in collaboration with national and sub-regional actors. The forum aims to promote the use of ICTs as a vector of transformation and modernisation in companies and public administrations.

However, this forum does not have a bottom-up approach, and the invitation is extended to select stakeholders only. The forum has not produced any policy recommendations.

Regional reflection

The Togo IGF initiative is part of the WAIGF. The sub-regional forum, led by ECOWAS, was a key partner in the initiation of the Togo IGF in 2010.

As explained earlier in this report, ISOC, APC, AfriNIC, FOSSFA and OSIWA are all partners of the WAIGF. They engaged in discussions and encouraged local actors to launch the national IGF.

Since then, the Togolese forum has always had a close relationship with WAIGF and national initiatives of neighbouring countries such as Benin, Ghana and Burkina Faso. Each year, Togo, through its delegates, takes part in various forums in the sub-region, either as participants or sometimes as panellists.

Togo has always been invited to present its report and the recommendations that result from its national IGF at the West African forum and the UN global IGF.

This allows Togo to inform other actors in the sub-region on the continent and at the global level about what is happening in Togo in terms of internet governance and to share the various points of view of the actors involved. Togo is also inspired by the forums and themes of the sub-region and sometimes invites the actors involved in these forums to the Togo IGF to enrich the exchanges.

This is also the case when it comes to the African Internet Governance Forum (AfrIGF), in which Togolese stakeholders often participate. In 2016, for example, two actors from Togo were invited to the AfrIGF, where they were panellists and participants. They also participated in that year's African School on Internet Governance (AfrISIG).²²

It should also be noted that the choice of annual themes for the Togo IGF is not only linked to national realities, but also to global realities and the theme chosen by the UN global IGF secretariat for that year. For example, sometimes the global IGF theme is contextualised at the national level. In 2016 the global IGF's theme, "Enabling Inclusive and Sustainable Growth", resulted in sections and

panels in Togo's IGF on how to enable inclusive and sustainable growth in Togo through internet development.

The members of the Togo IGF steering committee are also members of an online discussion list created by the WAIGF for the exchange of information and the discussion of issues related to internet governance in the sub-region.

Conclusions

The Togo IGF faces a critical challenge: the principal stakeholder, which is the government, is no longer participating in the advisory group of the IGF despite being involved in the group for the inaugural national IGF in 2011.

Due to its political situation, which is often unstable, Togo remains one of the countries in the West African sub-region where trust between the government and other actors remains fragile. It is very difficult to engage the government in discussion, and attempts to do so always fail for many reasons, including trust and accountability.

However, the good news is that the IGFs have attracted increasing attention over the years, with more participants taking part and stronger and more wide-ranging recommendations resulting from the interactions. Even though it is difficult to establish a direct correlation between these recommendations and government decisions and policies, they remain useful guidelines for stakeholders.

While the Togolese are really interested in the internet governance process, it remains important to build trust among stakeholders to foster the process and to ensure its sustainability.

When the first IGF was held in 2011, stakeholders understood the need to engage in a national policy dialogue and to produce policy documents that can serve both the government and stakeholders outside the government, including international partners and donors.

There is also a need for a stable political environment and a close relationship between the government, civil society, academia and the business community, among other stakeholders. The involvement of the government will ensure the increased participation of the private sector, and much greater public awareness of the event.

In 2016 and 2017, the IGF Academy,²³ an internet governance fellowship programme initiated by the German NGO iRights²⁴ and supported by APC and the German Ministry of Economic Cooperation, has been training fellows from Togo and has funded

21 www.ciomag-events.com/it-forum-togo

22 afriSIG.org

23 igf.academy

24 <https://irights.info>

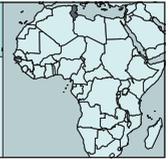
their participation in regional workshops and the global IGF.

The project aims to foster freedom of expression on the internet and inclusive and transparent national internet governance and policy processes, and has helped shape the Togo IGF, including boosting the national event with the knowledge of renowned experts in the field. Such initiatives are still needed in Togo, as many more people need capacity building in internet governance, and awareness needs to be raised on its importance to create a strong and sustainable multistakeholder dialogue.

Action steps

In the future, civil society in Togo must:

- Advocate for more involvement and capacity building of marginalised groups such as peasant groups, youth and women's organisations, the LGBT community and people with disabilities, among others.
- Connect and collaborate with other regional and international civil society organisations to share best practices and challenges. Pave the road towards a sustainable future for multi-stakeholder internet governance discussions. Focus on capacity building and the creation of constructive networks among all stakeholders, especially the government and communities that have not been involved in internet governance discussions yet such as rural communities and geographically isolated communities.
- Develop informal relationships with key stakeholders in the government, including in security, and the human rights and ICT-for-development community, among others. The strength of these informal relationships can often influence the success of attempts to establish formal mechanisms for engagement.
- Anticipate, identify and bring emerging issues affecting the rights of internet users and other voiceless stakeholder groups to the table. These include internet shutdowns and disruptions of communications, net neutrality, equitable access, and the gender divide.



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Introduction

In Tunisia there is a gap between internet governance “policy discussions” at regional and international forums, and “policy making” at the national level. Some call this the difference between “talk” and “action”. However, there is also the belief that the Arab Internet Governance Forum (IGF), as a regional mechanism to talk about internet governance issues, provides an important platform for civil society to at least voice their concerns about whether or not they can actually impact on the local policy environment, especially when the most important decisions are made behind closed doors.

Since the social uprisings six years ago, Tunisia has seen rapid changes. These changes make it necessary to shed light on the positive and negative internet governance developments when it comes to internet freedoms, openness and transparency. It is hoped that this will help find ways to communicate policy development more effectively in national policy-making circles and influence the idea of implementing cost-effective national policies.

Policy and political background

The political, economic and policy context in Tunisia is experiencing a deep transformation. The country has much to celebrate after the revolution and many lessons still to learn. The upheavals in the region make the country’s national internet policy context very challenging. It is difficult to adopt a hopeful vision for the future of internet freedoms, even if the country has successfully written a democratic constitution.

Tunisia is still politically unstable, and economically the situation is fragile. At the moment, the government does not put the internet governance agenda at the centre of its policy discussions. This situation has a negative impact on issues related to national IGF themes such as data protection, privacy, online freedoms, censorship, surveillance, e-commerce and internet policy in general. In contrast, issues that are being debated by the government

include attracting international investors, state security, border terrorism, the tourism industry, the services sector and the rising unemployment rate.¹

Internet policy discussions are still perceived by civil society actors and activists to lack transparency, openness and inclusiveness. The government continues to use a top-down approach in putting forward certain policies. A good example of this is the recent legislation on the national biometric identity card. This has been controversial because it shines a light on the government’s attitude toward the data privacy of Tunisian citizens online.

Draft legislation has been proposed to amend Law No. 27 of 1993 on the national identity card to equip citizens with a new biometric identity card with an electronic chip. This card uses the Gemalto² system to store citizens’ sensitive personal data such as health and banking information, and their social security numbers.³ Tunisian citizens will not be able to access their personal information stored on the card; if they do so, they can be punished for up to five years in prison. The card contains a unique identifier that can only be accessed by the Interior Ministry.⁴

A similar top-down approach was followed in the creation of a new agency called the Tunisian Telecommunication Agency (ATT) in November 2013.⁵ It is responsible for providing technical support to judicial investigations into cybercrimes.⁶ However, the ATT has not been given the proper public oversight to ensure accountability. The new agency has such broad competencies that it could constitute a form of control and censorship over the internet. Civil society

1 Wood-Donnelly, C. (2015, 29 June). Tunisia: a country in transition, and under considerable threat. *New Statesman*. www.newstatesman.com/politics/2015/06/tunisia-country-transition-and-under-considerable-threat

2 www.gemalto.com/govt/identity/id-motion

3 Ben-Hassine, W. (2016, 18 November). Tunisia’s new ID card: a looming disaster for personal data *Access Now*. <https://www.accessnow.org/tunisia-new-id-card-looming-disaster-personal-data>

4 Ben-Hassine, W. (2017, 11 July). Take action: Help Tunisians defend their privacy. *Access Now*. <https://www.accessnow.org/take-action-help-tunisians-defend-privacy>

5 Decree No. 4506 of November 2013. Available at: www.legislation.tn/fr/detailtexte/D%C3%A9cret-num-2013-4506-du-06-11-2013-jort-2013-090_2013090045063?shorten=DBjx

6 Ben Youssef, D. (2015, 1 September). Terrorism and ICT: Keeping alive old surveillance practices in Tunisia. *Nawaat*. www.nawaat.org/portail/2015/09/01/terrorism-and-ict-keeping-alive-old-surveillance-practices-in-tunisia

activists are calling for the ATT to be open in conducting investigations so that individual and public freedoms are not negatively affected. ATT decisions should be transparent to review.⁷

These concerns can be contrasted with more positive signs. The Tunisian Internet Agency (ATI), the government agency that was heavily involved in internet censorship, is now contributing to building a multistakeholder internet governance environment to achieve a more open and inclusive internet governance ecosystem. Today, the ATI is not involved in internet censorship, or in deploying monitoring technologies. These activities were immediately cancelled after the revolution.

The ATI is promoting its activity as the only internet exchange point (IXP) in the country, as well as the registry of national domain names. In 2015, the ATI was accredited by the Internet Corporation for Assigned Names and Numbers (ICANN). Recently, the ATI hosted civil society activities in the 404 Lab⁸ where deep package inspection systems were deployed under the previous regime. Today, the lab – which is a basement located in the previous ATI building – is used by civil society advocates and human rights activists to organise training and workshops and to develop projects for the good governance of the internet.

The need to build a better national IGF

The Tunisian national IGF was born in March 2013 with the support of the Ministry of Communication Technologies and Digital Economy. Thirteen members were elected from the government, academia, private sector and civil society to form a Multistakeholder Advisory Group (MAG). The regulator was the secretariat of the MAG. The first event was held in December 2013.⁹ The IGF provided a space for local stakeholders to discuss the political and strategic aspects which relate in particular to the development of infrastructure and access, capacity building, regulation of transactions, and data protection and transparency.

However, the number of participants was not sufficient, with weak participation from the government and private sector. In total, 20 participants attended the first national IGF in the capital Tunis. Moreover,

the first meeting did not encourage the members of the MAG to stay involved, and no further meetings were organised after the IGF. The election of the new MAG was held later than expected.

Because of some of the above factors, the country's first national IGF was not successful and certainly could not have the same impact as the Arab IGF. A key reason in the failure of the first IGF is that governments in some developing countries tend not to give priority to structures and initiatives such as the IGF, possibly because they feel their power is threatened. We also need more active involvement from all stakeholders including the private sector, civil society and academia. The second national IGF will be held on 17 October 2017. There is a lot of hope that this IGF meeting will potentially have some impact on national policies by securing better support from the government, civil society and the private sector.

A new vision for the region is needed

The Arab IGF has been heavily criticised by civil society groups in Tunisia, following the four meetings that took place from 2012 through to 2015. The forum is not seen as a space for a multistakeholder discussion of internet governance.

Multistakeholder governance will succeed in the Arab world if governments create a long-term vision for internet governance, and a strategy for the internet through the establishment of multistakeholder forums that could complement or even replace the Arab IGF. This regional forum could be used to share plans and experiences with national IGFs, and to explore the potential of building a model for a regional umbrella IGF of national IGFs through a bottom-up approach. Right now, the regional IGF is too detached from the national-level forums.

These national IGFs should network with other IGFs in the region, and through this collective action, secure multistakeholder sponsorship for a regional event. This event should propose concrete next steps for pushing forward a truly multistakeholder regional vision for internet governance that is aligned with similar initiatives elsewhere in the world.

The theme of the 2017 IGF in Tunisia will be "Shape Your Digital Future",¹⁰ which is also the theme of this year's global IGF in Geneva. Forty participants are expected to participate. The IGF will be preceded by the first Tunisia School on Internet Governance (TSIG), where the internet grassroots community of students, activists, engineers and human rights advocates will participate in a one-day learning and training event on internet governance. Among other things, the forum will evaluate past attempts at

7 <https://www.igmena.org/Tunisian-Technical-Agency-for-Telecommunications-Does-it-protect-Tunisians-online-safety-or-threaten-their-privacy>

8 The 404 Lab was used by officials and agents of the previous Ben Ali regime to censor the web. The famous servers that were used to control the internet are still on these premises. See: OpenNet Initiative. (2008, 27 September). Tunisian journalist sues government agency for blocking Facebook. *Nawaat*. <https://nawaat.org/portail/2008/09/27/tunisian-journalist-sues-government-agency-for-blocking-facebook>

9 www.igf.tn/wp-content/uploads/2017/03/IGF-TN2013-Rapport-Version%20Finale.pdf

10 www.igf.tn/igf-tunisie-2017

building a national IGF and identify barriers and opportunities that can strengthen internet governance at the local level, as well as exploring how the national conversation can feed into global conversations on internet governance. Meanwhile, the Ministry of Communication Technology and Digital Economy has launched a public consultation for a new Digital Code.¹¹ The ministry is also supporting the October IGF, suggesting a positive future for a multistakeholder approach in Tunisia.

Shaping a regional agenda through coalitions and alliances

Internet governance policy advocates in the Middle East and North Africa (MENA) should encourage transparent and open policy processes in the region. This can be done through the creation of coalitions and alliances, education initiatives, and community-building activities, among other things. In this way, new communication channels for policy advocacy with governments and the private sector can be created. This will ultimately make those stakeholders see that internet governance issues matter to them. From a national consensus on the importance of multistakeholder internet governance at the national level, as well as with regard to the critical issues faced at the national level, a regional agenda can be developed.

If we forge new networks that can advance mutually beneficial cooperation among stakeholders, so that the complex internet governance problems of today can be tackled, we can avert the problems of tomorrow and create benefits in the medium and long term for all stakeholders concerned.

Conclusions

Internet freedoms in Tunisia are not totally safe from state censorship and control. A post-revolution internet policy agenda is critical. While there is an open multistakeholder policy environment that encourages engagement and discussion, this can be put at risk through state security measures and threats of terrorism.

There is a huge discrepancy between policy discussions and policy making at the national level. Civil society advocates who participate in many workshops with interesting and controversial topics such as net neutrality, cybersecurity, zero rating and gender rights have noticed that many stakeholders repeat the same ideas and talk a lot. As a consequence, we get nowhere. The communities most affected by the

policies being developed are also excluded from the policy-making process.

Internet advocates should fully utilise the internet space not only as a tool to advocate for more social and political rights and online freedoms but also as an economic engine. We need not only internet freedom advocates but also active entrepreneurs online. To support this, the state needs to work on implementing sound economic policies when it comes to the physical infrastructure, including fibre optic cables and 4G connectivity.

The Tunisian revolution did not make the internet totally free, without constant effort and vigilance by Tunisian internet users; the internet freedoms achieved could be reversed.

Action steps

The following steps are suggested for Tunisia:

- The more we know about what institutional power is doing, through transparency and oversight, the more we can trust it. From a legal perspective, courts must act as third party advocates, legislators must understand technologies, the press must be free and vibrant, and watchdog groups must analyse and report on what power is doing. But we all have a duty to tackle this problem to create legal certainty, avoid arbitrariness, and ensure procedural and legal transparency.
- Civil society needs to work to reduce power differences and achieve a balance of power among the various internet stakeholders at the national level. Society will become more stable with a new principle of governance by which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and consistent with international human rights norms and standards.
- Responsive and accountable institutions are central to ensuring that development is both effective and sustainable for citizens. They are also important to deliver quality internet services, improve accountability, and expand opportunities for inclusive economic and social progress between the state and the people.
- All levels of society need the basic capacities required to contribute to policy that impacts on them. Public authorities should work with civil society to involve communities in deciding on policy priorities. This will help to make those institutions transparent and accountable, and build a culture of integrity into the delivery of services, including broadband.

11 Dahmani, W. (2016, 31 June). Breaking the National Cyber Security dilemma in Tunisia. *IGmena*. <https://www.igmena.org/Breaking-the-National-Cyber-Security-dilemma-in-Tunisia>



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Introduction

While a culture of discussion and debate, as well as a multistakeholder approach to these discussions, are seen as important in Turkey, there has not been widespread interest in internet governance from groups with different backgrounds and concerns. Although there are numerous activities that address internet governance issues in the country, they generally seem targeted at a niche audience, and do not attract the simultaneous attention of a broad range of stakeholders, including academia, the media, civil society, businesses and government institutions. This limits the potential of these activities for meaningful deliberation. While discussions on internet governance were kick-started by the government in 2014, when Turkey hosted the global Internet Governance Forum (IGF), this has been accompanied by state policies and regulations, as well as – in the past year – a state of emergency, which have incapacitated grassroots organisations and slowed down activities in the field.

Policy and political background

Since the 2013 Gezi Park popular protests, which made efficient use of digital communications, social media has been validated as a critical source of information and news for the public, and as an effective media tool for civil society. As a result of this, internet platforms have increasingly been put under pressure by the government, making Turkey one of the top censors in the world according to the Freedom on the Net index.¹

Law No. 5651, known as the Internet Regulations Law, which dates back to 4 May 2007, has been at the centre of all discussions related to freedoms on the internet in Turkey. The last update to the law was in September 2014, which further extended state controls over the internet. Although the 2014 changes to the law were nullified by the

Turkish Supreme Court, blocking, filtering and the removal of content continue unabated. Turkey single-handedly accounts for more than half of content removal requests globally, according to the Twitter Transparency Report.² Moreover, in the past year connectivity has posed a problem in numerous cities in Turkey due to ongoing military operations in the region.³

In addition, in the first six months after the 15 July coup attempt in 2016,⁴ which precipitated the state of emergency, over 10,000 investigations related to citizens' social media activities were launched, leading to the arrest of 1,656 people – 1,203 were released with judicial control.⁵ This clampdown is continuing. People are detained on a daily basis for social media activities, according to weekly data released by the Ministry of Interior.⁶ Perhaps because of this clampdown, statistics show a declining use of social media in the country.⁷

The history of internet governance discussions in Turkey does not go far back. While the global IGF has been going on for over a decade, it is only since 2014 that there have been initiatives to discuss issues related to internet governance in Turkey. These discussions have not had widespread participation or resulted in much public debate, despite the fact that Turkey is a country of almost 80 million citizens with a 54% internet penetration.⁸

Discussions on internet governance: Started at the top but growing at the grassroots

Internet governance became a focus of discussions in Turkey after it hosted the ninth global IGF

² <https://transparency.twitter.com/en/removal-requests.html>

³ www.cumhuriyet.com.tr/haber/turkiye/650063/Sosyal_Medyaya_buyuk_gozalti_..._10_bin_kisiye_sorusturma_acildi.html

⁴ On the evening of 15 July 2016, a group of commanders in the Turkish military mobilised and attempted a coup to overthrow the government, claiming the lives of 248 people. The coup was suppressed and was followed by a state of emergency rule declared on 20 July 2016.

⁵ Although released from prison, the suspect is required to report to the police station at regular intervals. www.diken.com.tr/gunde-ortalama-yedi-kisi-sosyal-medya-paylasimlarindan-gozaltina-aliniyor

⁶ <https://www.statista.com/statistics/570098/distribution-of-social-media-used-turkey>

⁷ Ibid.

⁸ Ibid.

¹ Freedom House. (2016). Freedom on the Net: Country Profile. <https://freedomhouse.org/report/freedom-net/2016/turkey>

in Istanbul from 2 to 5 September in 2014. The theme of the event was “Connecting Continents for Enhanced Multistakeholder Internet Governance” and sub-themes included Policies Enabling Access; Content Creation, Dissemination and Use; Internet as Engine for Growth and Development; IGF and the Future of the Internet Ecosystem; Enhancing Digital Trust; Internet and Human Rights; Critical Internet Resources; and Emerging Issues.⁹ There was widespread participation in the global IGF meeting; however, the four days did not have as many youth participants from Turkey as had been anticipated.¹⁰ At the same time, despite international participation from global corporations and international authorities, there was a marked lack of interest from the local private sector, NGOs and institutions, among others. There was, however, a presence of state institutions and telecommunication companies.

Although widespread local participation was in reality not that strong, the hosting institution in Turkey, the Information and Communication Technologies Authority,¹¹ argued that there was credible multistakeholder participation. This was thanks to the efforts of a 15-person organising committee that held meetings with representatives of relevant institutions, the private sector, universities and civil society, while also promoting the event on social media and through conventional media channels.¹² Nevertheless, the lack of local participation has meant that there is no significant change in stakeholder interest in internet governance issues in Turkey. Hosting the global IGF, however, has increased the salience of relevant internet governance issues and led to the creation of numerous platforms to discuss them.

Fewer than anticipated academics, journalists, NGO representatives, and activists were informed about the meeting on time and because of this missed the opportunity to register for panel discussions. There was also a lack of widespread national media coverage. But while weak media coverage running up to the event – despite the efforts of the organising committee – meant that many could not register in time to attend, there were side events and alternative forums that welcomed broad participation. Events such as DiscoTech and ThinkTwice invited notable internet personalities to give talks on contemporary problems of internet governance, while an alternative forum was organised under the banner of the Internet

UnGovernance Forum (IUF) at Istanbul Bilgi University.¹³ Participation at the IUF mainly came from civil society and academia, with only some crossover in participation with the main event.

Unfortunately, despite there being two parallel events in the same city, there was a marked lack of interaction between the participants attending the two forums. While the presence of state-run institutes and institutions, bureaucrats, and private sector representatives could be felt at the IGF, civil society, media and academia showed up in greater numbers at the IUF. The divide between the two events reflected the different interests of the two groups. While the focus at the IGF was mainly on issues related to security, development, e-commerce and a brief discussion of human rights on the internet, the agenda of the IUF focused on more critical issues such as copyright, citizen journalism, data protection, surveillance, drones, encryption, transparency and digital activism. Although the issues at hand were discussed thoroughly at both events, the lack of interaction between these groups prevented a more productive discussion.

Bringing in the youth

Following the global IGF meeting in Istanbul, the Turkey Europe Foundation (TAV)¹⁴ – a non-profit organisation based in Istanbul and focusing on projects addressing the needs of the youth in Europe – signed a memorandum with the Network of European Digital Youth – an Austria-based organisation focusing on internet governance – establishing a partnership for starting a local Youth Internet Governance Forum.

On 5 September 2015 the first Youth IGF was held in Turkey at Istanbul Bilgi University’s Social Incubation Centre.¹⁵ Eighteen young people, from a group of 30 applicants¹⁶ selected in an open call, participated. Eleven of the 18 participants were female, and seven of them were male. The group mainly consisted of students, but IT specialists, lawyers, academics, researchers and writers were also among the group. During the one-day event, there were four main topics for discussion: Internet Governance, Mass Data, Media Literacy, and Anonymity, with sub-topics focusing on government e-services, sustainability on the net, centralisation and security, the right to

9 www.intgovforum.org/cms/component/content/article/127-workshop-proposals/1583-main-theme-and-sub-themes

10 t24.com.tr/yazarlar/fusun-sarp-nebil/igf-elistirilerimiz-btkdan-gelen-cevap-yazisini-yayinliyoruz,10095

11 www.btk.gov.tr/en-US

12 www.iuf.alternatifbilisim.org

13 www.turkiyeavrupavakfi.org/?p=1676&lang=en

14 www.turkiyeavrupavakfi.org

15 IGF Turkey. (2015, 6 September). Youth IGF Turkey has been held for the first time in Istanbul. <https://igfturkey.wordpress.com/2015/09/06/youth-igf-turkey-has-been-held-for-the-first-time-in-istanbul>

16 Due to space limitations, and to ensure fruitful discussions, the number of participants is set at 30.

information, data safety, privacy, disinformation, the right to life on the net, cyberbullying, and information leaks such as WikiLeaks.

With a boost to capacity as a result of the first Youth IGF meeting, the local IGF organising committee initiated a more extensive plan to include a wider number of participants and stakeholders. The planned 2016 Youth IGF was to take place in September 2016, but the coup attempt on 15 July of that year delayed it, and the meeting could only take place on 3 December 2016 at the TAV headquarters in Kadıköy, Istanbul. Sixteen participants gathered to discuss three main topics: e-Investment, Data, and Rights on the Net, with subtopics including e-solutions, start-ups, mass-data collection, data safety, social identities on the web, sexual rights online, children online, the right to information, media freedom, and fake news.

Although the open call for participation in the 2016 Youth IGF was circulated more widely compared to 2015, the number of applications dropped significantly. While there were 77 applicants in 2015, 20 fewer applied in 2016. Ten invitations were sent to young professionals, businesspeople from the private sector and telecom specialists. However, young people responded with concerns, fearing investigation or interruption of their businesses by authorities under the State of Emergency Rule for participating in a meeting on internet governance. Several participants who joined the meeting also asked to be excluded from lists, photographs and records of the meeting for similar reasons, dropping the official participant number to 16. However, in 2016 there was a wider diversity among participants and in this regard it can be considered more successful in terms of the multistakeholder principle.

Among the 16 participants in 2016, six were female and ten were male; there were students, academics, researchers, journalists, young professionals, young entrepreneurs, young businesspeople, NGO representatives and activists among them.

Regional reflection

One of the participants of the first Youth IGF in Turkey – Su Sonia Herring – was selected due to her outstanding performance during discussions to represent the Youth IGF initiative internationally. Herring has become an integral part of the local Youth IGF organising committee and has participated in various regional, European and global events focusing on internet governance.¹⁷ Among those

meetings, she was welcomed as youth member session organiser at the South Eastern European Dialogue on Internet Governance (SEEDIG) in April 2016; as a facilitator at the New Media Summer School in Brussels in June 2016; as a keynote speaker at the Netherlands Youth IGF in the Hague in October 2016; and as an Internet Society IGF 2016 Ambassador in Mexico in December 2016. In addition, the Turkish Youth IGF initiative has been represented at European Dialogue on Internet Governance (EuroDIG) meetings as well as various other regional and international meetings, voicing local concerns regarding internet governance in Turkey and Europe. For example, Ali İhsan Akbaş, after participating in the 2016 Youth IGF in Turkey, represented the initiative at the 2017 Middle East and Adjoining Countries School of Internet Governance (MEAC-SIG) in Ankara.

Since the issues facing internet users in many countries are similar, the creative solutions proposed in Turkey have been shared with others across the multiple regional and global internet governance spaces. As there are many challenges in Turkey, the perspectives of local Youth IGF participants offer a valuable source of experience for regional and international initiatives. Topics that have been discussed for a long time in Turkey – such as surveillance and profiling citizens – are now becoming more visible on the international agenda.

Although participants from Turkey have showed some reluctance to sign up for events or even to speak up during regional and global discussions for fear of possible repercussions from Turkish authorities, there is a growing number of people showing a willingness to take the necessary risks and become part of organising committees to expand the scope of the internet governance debate in Turkey.

Conclusions

Both the 2015 and 2016 Youth IGF meetings called for a national IGF in Turkey. While steps were taken to set up a national IGF in early 2016, these were disrupted by the attempted coup. At the time of writing in 2017, preparations were slow. Current efforts therefore should continue to be focused on strengthening the Youth IGF. The biggest challenge here is increasing the number of participants, and security fears and fears of state harassment need to be addressed as well. In the meantime, contact with ISOC Turkey¹⁸ has been established, and new members from among ISOC interns have been included in the Youth IGF organising committee. These are positive signs.

¹⁷ <https://www.intgovforum.org/multilingual/content/youth-initiatives>

¹⁸ www.isoc.org.tr

Action steps

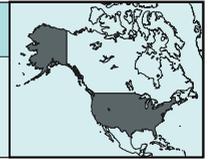
Civil society in Turkey should:

- Put emphasis on digital security in their annual advocacy plans. They should offer training on digital security to their networks and include topics related to surveillance, privacy, anonymity and data storage. They should make any training modules available on e-learning platforms to maximise the availability and impact of their interventions.
- Build capacity and awareness of internet governance and digital rights and freedoms generally. Besides working with civil society organisations and the media, these efforts could involve school visits to attract the attention of future leaders in Turkey.
- Encourage citizens to become more vocal in matters related to digital rights and freedoms and internet governance matters by initiating non-political campaigns against repressive internet regulations, censorship and surveillance, and conducting creative disobedience actions¹⁹ online and offline.
- Establish a multistakeholder network to organise future IGF meetings and internet governance-related discussions in Turkey. Initiate regular discussion events where participants can freely express themselves and get accustomed to a culture of democratic discussion and problem solving. This network should include a range of stakeholders including academia, unions, entrepreneurs, businesspeople and government representatives, among others.
- Avoid letting matters concerning citizens' use of the internet be solely decided upon by a single stakeholder, the government. Engage supporters of repressive policies to initiate public discussion and elaborate calmly on the impact of these laws without using antagonising or accusative language.
- Increase the salience of digital rights and freedoms by initiating discussions, holding panels, drafting reports, publishing articles, and showing more presence in deliberations related to this field.
- Establish new techno-social networks to share information, news and developments related to the field of internet governance, and use a neutral language and rhetoric that does not antagonise the supporters of the current regime. Translate news and information into English to reach an international community.

¹⁹ Creative disobedience is a form of non-acceptance of the rules and regulations imposed by the governing authority, and involves engaging in multiple layers of activism such as media activism, Twitter hashtag campaigns, intersectional events dealing with digital rights and lesbian, gay, bisexual and transgender identities and performance, etc. These actions do not have any direct relation to any political party but merely rely on the collective interest of fellow citizens.

UNITED STATES

THE IGF-USA, FROM ONE PERSPECTIVE



Technicalities

Avri Doria

Introduction

The United States Internet Governance Forum (IGF-USA) has been “in construction” for as long as the global IGF itself. It has gone through several stages, including a reconstruction, and is evolving. Like the global IGF, the IGF-USA is all about the one meeting a year. It neither discusses ongoing US internet¹ governance issues in an ongoing manner, nor does it have yearly goals for output. Unlike the global IGF, it has not yet begun to have any intersessional work on the issues. The focus is solely on the yearly meeting.

The IGF-USA has gone through several stages of development so far. In its formative years it was very much the direct effort of a few people who pulled together the meetings. In general, the planning meetings were organised on a catch-as-catch-can² basis by a group of people devoted to both the global IGF and to the idea of the US having an IGF-type meeting. The group of people working on an IGF in the US grew from a core that had worked together during the World Summit on the Information Society (WSIS) to inform the Washington DC Beltway and beyond about the WSIS activities. The early IGF-USA planning group was open to all comers, but for the most part, given the firm geolocation in Washington DC and the inadequacy of remote participation methods at that time, the group remained DC-centric. After the first attempt at reorganisation, the group became an *ad hoc* gathering of the interested and the committed, without any formal structure. At that time some considered the meetings as having been “catalysed”, and one individual carried the title of Chief Catalyst. As they were largely a group of Washington DC professionals, they often had professional contacts with a wide selection of political luminaries, both local and from elsewhere, who could be pulled

in as speakers and panellists. Consequently, in many ways, the meetings resembled nothing so much as a set of the panels that are ubiquitous in every institute in the DC Beltway. The one difference from normal DC panels was the fact that the DC professionals sitting on the dais at the IGF-USA were from diverse groups of stakeholders. Since the first meeting, participation has grown from just under 100 participants to over 200 participants. Anecdotal³, the participant mix appears to include all stakeholder groups. In terms of panels, the IGF-USA is very careful to make sure that all stakeholder groups are represented. Meetings of the planning group are open to all participants without regard to stakeholder group.

The IGF-USA is still trying to figure out whether they can or should move beyond Washington DC. Part of the issue revolves around an uncertainty of how to hold the meeting in another location when the organisers are predominantly resident in DC. An early decision was made to hold the first one-day session in Washington DC instead of New York. The decision to stay in DC has been nearly automatic ever since.

The last few IGF-USA meetings have been successful. I do not believe, however, that the IGF-USA has yet become a fully national IGF. Over the last years it has become a well-formed DC multistakeholder conference.

Sustainable governance of IGF-USA

While the IGF-USA was putting on yearly events in the years before 2016, there were those who felt that the effort was neither properly organised nor sustainable. Each year’s meeting was like a rabbit pulled from a hat.

Those concerned for organisation and sustainability in an *ad hoc* catalysed IGF-USA became noticeably vocal in 2015. The small groups of participants who grew concerned about the future of the IGF-USA began discussions on how the situation could be remedied. In June of 2016 a working group was formed to discuss ways of setting the IGF-USA on a path that would allow for a sustainable, principle-based organisation.

The working group was formed “to develop a governance structure for the IGF-USA that supports

1 On the capitalisation of the word “internet” in this report: when referring to the single network of autonomous IP networks under a common naming authority and known by the proper name of Internet, it is capitalised. In other uses where it describes some aspect of a type of network of networks, such as internet policy or internet protocols, it is not capitalised.

2 “Taking advantage of any opportunity; using any method that can be applied.” www.dictionary.com/browse/catch-as-catch-can

3 In researching this report, no statistics on the stakeholder mix at the IGF-USA was found.

transparency, openness, inclusivity, diversity, and bottom-up, multistakeholder development of the IGF-USA organizational process and event.”⁴

Over the course of about a year, the working group developed a set of principles and documented an operational structure. The structure mostly documented the practices that had developed in a bottom-up manner in 2015 and that were refined in 2016, both through practice and through two public comment periods.

The principles – created within the context of the principles for IGF National and Regional Initiatives (NRIs)⁵ – that were accepted in 2017 are:

- **Openness:** The IGF-USA is open, participative and accessible to all without fee.
- **Bottom-up:** The activities of the IGF-USA are based on ideas developed through open consultation.
- **Multistakeholder participation:** The IGF-USA is built upon open, inclusive and democratic processes, with the meaningful participation of all stakeholders.
- **Decision making:** Decisions are made by broad consensus, where all opinions expressed are considered, discussed and understood.
- **Transparency:** Participants, decisions and activities of the IGF-USA, including finances, should be publicly documented.
- **Accountability:** As stewards for the IGF-USA community, IGF-USA leadership is accountable to that community.
- **Diversity and inclusion:** The IGF-USA strives for diverse and inclusive participation, including people regardless of their gender, colour, age, sexual preference, gender expression, disability or specific needs, stakeholder perspective or location.⁶

The organisational structure reflects these multi-stakeholder principles. The steering committee is open to anyone who wishes to participate. The core of the steering group is defined by who attends the majority of the meetings and gets work done. The leadership of the steering committee is selected by the full steering committee yearly. There are flexible term limits: while limiting a leader to two one-year terms, they allow one to serve longer if no

one else can be recruited – often a problem in small organisations.

The organisational structure also created a secretariat that serves at the pleasure of the steering committee. The secretariat’s mandate includes not only the functional aspects of the IGF-USA meetings and the yearly event, but also ensuring the transparency and accessibility of IGF-USA activities. With the approval of the steering committee, ISOC-DC⁷ has taken on this responsibility in the start-up phase of the new organisational setup.

While it is still new, the new organisational paradigm for organising the IGF-USA, governed by a set of principles, seems to be off to a good start. The process of planning for the IGF-USA 2018 will be a good test, as it will be the first year when the operational structure and principles are set from day one.

Moving beyond IGF_USA@DC to becoming IGF-USA

The organisation is still very much rooted to Washington DC and one could despair in the hope of it becoming a national effort. All preparatory meetings are held in DC, and though there is remote participation that is ever improving, that is not the equivalent of participation by a group of people who encounter each other in the local environment, meeting face to face monthly. Except for a few voices on speakers, the perceptions of the steering group are predominantly the perceptions of those in the room in Washington DC. The idea of organising the meeting in another city seems daunting and is not clearly understood.

It is not, however, as if there were no interest in the Internet and its governance in the rest of the country. The example of Internet Society (ISOC) chapters⁸ and Internet Corporation for Assigned Names and Numbers (ICANN) At-Large Structures⁹ in a variety of US areas shows that there are other geographical areas in the US that care as much about internet governance as do those in DC.

Washington DC puts on a fine day of discussions. The topics are rich and the speakers informed. But it is a national IGF only in the sense that a capital

4 igf-usa.org/pipermail/igf_usa_swg_igf-usa.org/2016-June/000000.html

5 <https://www.intgovforum.org/multilingual/content/igf-regional-and-national-initiatives>

6 https://wiki.igf-usa.org/images/5/5f/IGF-USA_2017_Organization_Structure_final.pdf

7 *The Washington DC chapter of the Internet Society.* <https://isoc-dc.org>

8 Internet Society chapters “bring together members in local and regional groups that run programmes and activities dedicated, among other things, to informing policy and educating the public about Internet-related issues.” See: <https://www.internetsociety.org/chapters>

9 An ICANN At-Large Structure (ALS) is a “wholly independent organization from ICANN. The ALS accreditation recognizes that these groups meet ICANN’s criteria for involving individual Internet users at the local or issue level in ICANN activities, and for promoting individuals’ understanding of and participation in ICANN.” See: <https://atlarge.icann.org/get-involved/about-als>

city often stands in as the symbol of a nation. Topics covered have included, among others, the Internet Assigned Numbers Authority (IANA)¹⁰ transition, the domain name system, cloud computing, the use of information and communications technologies (ICTs) for disaster response, myths about digital natives, crime on the Internet and other forms of malicious behaviour, as well as privacy, access and security. The IGF-USA also places a strong emphasis on youth participation.

There may be existential paralysis within the IGF-USA on the issue of whether it is better to stay where the power and speakers are or to move out into the rest of the country. I believe this has prevented the IGF-USA from growing to meet its potential. It is not that this is never discussed, just that there never seems to be a way forward.

The IGF-USA encourages other cities to hold events, but it is unclear whether those events would be initiatives that are separate from IGF-USA planning, an integral part of the event, or somehow ancillary. Recently, some people in the IGF-USA have spoken about the possibility of planning meetings in other places, especially if they can be tied to other events or meetings. This would be a baby step forward, but progress nonetheless.

It is probable that the issue of where to hold the IGF-USA 2018 will come up as the planning for next year begins. It is hard to say how the discussion will go. The inability to move beyond DC is a limitation in the IGF-USA's chances to become a truly national IGF.

It is important to note that at this point there is not a North American IGF. While there have been a variety of informal discussions about creating one, nothing formal has yet to get underway. Maybe in 2018, it could happen, though it is not clear who would take the lead in creating yet another IGF regional initiative and what its goals and strategies would be. In fact, there is not even consensus as to which countries are in North America when speaking of internet governance instead of geography.

IGF-USA as a multistakeholder organisation

The IGF-USA is serious about being a multistakeholder organisation that works within the bounds set by the IGF for the NRIs. It works according to multistakeholder principles that have been adopted by the organisation. It is open to all, both at the planning stage and for the meeting. It gathers priorities each year from the IGF-USA community on the topics to be covered and attempts to organise around those themes. It is good about working in a transparent manner and archives meetings for those who cannot

attend and for the future. It provides a degree of remote participation and puts effort into its improvement. With the new organisational structure it has established accountability to the community.

The participation is diverse both in terms of Tunis Agenda-based stakeholder groupings¹¹ and in terms of gender, but much less so in terms of US geography. As far as I know, no metrics are kept or consulted on the degree of geographic or other diversity in either the planning process or the meeting itself.

As discussed above, if there is a flaw, it is in the inability of the IGF-USA to reach out into the rest of the US. Perhaps this is the next problem to be worked on. The IGF-USA has strong core members, who put a lot of effort and caring into making sure it develops as a well-formed multistakeholder organisation, so there is hope.

Conclusion

The IGF-USA is coming along nicely as a local multistakeholder conference. But it has much that can be improved. It needs more outreach and it needs to move beyond the DC Beltway. It needs to understand the needs for internet governance in the US and needs to determine whether there are multistakeholder goals that should become part of an ongoing strategy and action for the organisation. It has yet to discuss whether there should be output of any sort.

Action steps

The following action steps are suggested for civil society:

- Civil society groups should involve themselves in the process of originating the yearly meetings. The steering committee is open to all who participate and contribute to getting the work done.
- Civil society should work together to organise IGF-USA-related events in locations other than Washington DC and should participate in efforts to create a North American event in a location other than Washington DC.
- Work should be done to start including the collection of statistics at the IGF-USA meeting to determine the extent to which it is diverse.

¹¹ The World Summit on the Information Society (WSIS) defined a notion of stakeholder groups in the Geneva Plan of Action in 2003: "We recognize that building an inclusive Information Society requires new forms of solidarity, partnership and cooperation among governments and other stakeholders, i.e. the private sector, civil society and international organizations. Realizing that the ambitious goal of this Declaration – bridging the digital divide and ensuring harmonious, fair and equitable development for all – will require strong commitment by all stakeholders, we call for digital solidarity, both at national and international levels." See: https://www.itu.int/net/wsis/documents/doc_multi.asp?lang=en&id=116010

¹⁰ <https://iana.org>



Observatorio de Tecnologías de la Información y la Comunicación (ObservaTIC)

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Introduction

This report discusses the challenges and opportunities in holding the first national Internet Governance Forum (IGF) in Uruguay in 2016. Although the Uruguay IGF can be considered a success, it shows that work needs to be done to involve key stakeholders in the internet governance process in the country, and that awareness about the importance of internet governance among the general public needs to be created through working closely with the media.

Policy and political context

Uruguay ranks first in Latin America and 19th worldwide on the Democracy Index prepared by the Economist Intelligence Unit.¹ It has also been among the top three positions since 2002 on the Latin American Democratic Development Index (IDD-Lat).²

If we refer to indices for social inclusion (Americas Quarterly),³ prosperity (Legatum Institute)⁴ and political stability (World Bank),⁵ Uruguay ranks first in South America. It is also well positioned on indices for economic freedom (Heritage Foundation),⁶ human development (United Nations Development Programme),⁷ and global innovation (Cornell University).⁸ When it comes to freedom of expression,

the country ranks ninth in the latest Freedom House report, with a score of 98 out of 100.⁹

With regard to information and communications technologies (ICTs), on the ICT Development Index (IDI) of the International Telecommunication Union (ITU),¹⁰ Uruguay was ranked 47th worldwide and first in Latin America and the Caribbean (LAC) in 2016.

Institutions – in the sense of rules of the game that model the interaction between individuals¹¹ – have a strong bearing on the development of societies, and in the case of Uruguay these are relatively favourable. The digital inclusion agenda, for example, has favoured processes where academia and civil society are involved, and are active participants in the construction of digital citizenship. Under the Agency for Electronic Government and Information Society (AGESIC),¹² which was formed in 2007, digital strategies have been developed in line with human rights and the pursuit of sustainable development. For example, a policy that has been praised internationally is the Ceibal Plan, which provides a laptop to every child and adolescent in primary and secondary public education, as well as to primary and secondary public school teachers at the national level.

Challenges and opportunities

A recent process that demonstrated the collaborative and multistakeholder approach to policy formulation in Uruguay was the holding of the first national IGF on 17 May 2016. While the event was a success, it also encountered challenges.

There are three key levels of analysis relevant to the process of holding an IGF: a) the process of organising the event, including how the organising committee was shaped, and the balance of influence when it came to making decisions; b) the development of the content for the event, including the stakeholder balance among panellists; and finally, c) the level of participation, including the

1 <https://www.eiu.com/topic/democracy-index>

2 www.idd-lat.org/2016/downloads/idd-lat-2016.pdf?nocache=7687652837

3 <https://www.mef.gub.uy/innovaportal/file/10114/9/indice-de-inclusion-social-2016.pdf>

4 https://www.mef.gub.uy/innovaportal/file/10114/9/indice_prosperidad.pdf

5 <https://www.mef.gub.uy/innovaportal/file/10114/9/indice-de-estabilidad-politica-2016.pdf>

6 https://www.mef.gub.uy/innovaportal/file/10114/9/indice_libertad_economica.pdf

7 https://www.mef.gub.uy/innovaportal/file/10114/9/indice_desarrollo_humano.pdf

8 <https://www.mef.gub.uy/innovaportal/file/10114/9/indice-global-de-innovacion.pdf>

9 Freedom House. (2017). *Freedom in the World 2017*. https://freedomhouse.org/sites/default/files/FH_FIW_2017_Report_Final.pdf

10 www.itu.int/net4/ITU-D/idi/2016/#idi2016rank-tab

11 North, D. C. (1990). *Institutions, institutional change, and economic performance*. Cambridge: Cambridge University Press.

12 <https://www.agesic.gub.uy>

extent to which this participation was reflected in deliberations on public policies.

At the request of AGESIC, the Internet Society (ISOC)¹³ and the Internet Registry for Latin America and the Caribbean (LACNIC),¹⁴ a group of institutions were invited to participate in the organising committee for the IGF.

The following organisations and institutions were represented on the committee: AGESIC from the government; ORT University¹⁵ and the Catholic University of Uruguay,¹⁶ both private education institutions; the School of Engineering,¹⁷ Central Computer Service (SeCIU)¹⁸ and Observatory of Information and Communication Technologies (ObservaTIC)¹⁹ from the public University of the Republic; DATA UY²⁰ from civil society; ISOC and LACNIC from the technical community; and the Inter-American Association of Telecommunication Companies,²¹ Digital Chamber of Economy of Uruguay²² and Uruguayan Chamber of Information Technology²³ from the private sector.

Although there were a significant number of institutions involved and all sectors were represented in the committee, not all representatives participated actively. For example, this was the case with civil society and the business sector, which was reflected in the make-up of the panels for the event.

The attendance at the one-day event was considered high, taking into account that the topic was internet governance, a relatively specialist field, and that Uruguay is a small country. The event itself had more than 200 participants, a number that at times swelled to 800 people when you include access to the event via streaming. The key agenda items were: a) governing the internet, b) net neutrality, c) the internet and the law, and d) the internet as a tool for development and inclusion. Twenty-two panellists participated: two from the private sector, three from civil society, four from the technical community, six from the government and seven from academia.

Besides aiming to attract a range of stakeholders to the event, the IGF attempted to encourage the equal participation of women and men, and participants of all age groups.

Although the goal was for the different panels to have a balance of representatives from the sectors, this was not always achieved. For example, on the “Governing the internet” panel there were four representatives: two from the technical community, one from civil society and one from the government. None of the panellists were women, and both the academic and business communities were absent.

On a panel on net neutrality, civil society was not represented, and there was no gender balance. On the “Internet as a means of development and inclusion” panel there was gender balance, but the business sector was not represented. Overall, the least-represented sector was the business sector, followed by civil society.

One of the concerns when it came to setting up the panels was gender balance; however, it was not easy to identify women who could comment on the issues that were being addressed. This reality is not generally different in other fields in Uruguay – except in some areas in education and the social sciences – where the leading or expert positions are mostly occupied by men. Of the 22 panellists, only five were women, and these only represented the government and academic sectors. The four moderators were men, and of the five rapporteurs, three were women. This seems to be a mirror of the reality beyond internet governance or multistakeholder spaces – and certainly when it comes to moderators, there is a strong sense that the gender balance could have been dramatically improved.

Another community that was not taken into account – and who are essential for any future IGF – are young people. It is necessary to ensure their participation in the event, and to introduce themes that are relevant to the role of young people as leaders in the future of the country.

While the committee tasked with organising the event had many ideas to improve the stakeholder balance among the panellists, it did not always have the capacity to carry these ideas forward. Nevertheless, what was appreciated was the respect shown to different stakeholders in the discussions. In part this was a reflection of the fact that the leadership in the process was given to representatives of sectors – academia, the technical community and the government – that are accustomed or committed to this form of open dialogue.

The content proved relevant to the local internet governance space in Uruguay. There was no doubt that there was a consensus regarding the need and importance of multistakeholder spaces for internet governance. Examples were given of similar practices from different sectors. The complex topic of net neutrality was approached from the perspective

13 <https://www.internetsociety.org>

14 <https://lacnic.net>

15 www.ort.edu.uy

16 ucu.edu.uy/es

17 <https://www.fing.edu.uy>

18 www.seciu.edu.uy

19 observatic.edu.uy

20 www.datauy.org

21 asiet.lat

22 www.cedu.com.uy

23 <https://www.cutu.org.uy>

of needing a clear concept and definition of what it meant, given that it was understood in different ways. The panel on the internet and law attracted a great deal of interest, since a bill had been discussed in parliament that sought to regulate applications that act as intermediaries through the web (such as Uber). The law was not approved in the end. This panel also included debates on regulation and censorship by intermediaries. Meanwhile, the importance of equitable access was recognised in the discussion on the internet as a means of development and inclusion.

However, an issue that emerged during the event was the tension between the limited time allowed for discussions, and the need to deepen the discussion of an issue. This is an important issue, because the interaction of the stakeholders is confined to events like the IGF – in between these opportunities, little interaction occurs.

The lack of continuity in multistakeholder engagement also results in issues being treated superficially, as stakeholders need to spend time trying to understand what is being discussed. The drive towards participation and inclusion also has this effect: new audiences spend much of their time trying to understand discussions, limiting the possibilities for deeper and more productive discussions.

Both of these areas could be improved if there was a) more interaction over time between stakeholders and b) more frequent and better reporting on internet governance by the media. Media engagement for future IGFs therefore becomes crucial.

Certainly the first points to a lack of visibility of the multistakeholder space as an area of reflection and debate outside of the IGF, and indirectly to a possible limitation to multistakeholder influence on the political and policy-making agenda. In this context, it is still premature to measure the impact of the IGF on the policy agenda; however, early indications suggest that it has had some influence on government decision-making processes, for example, through the government referring to or consulting experts in the field.

Regional reflection

Stakeholders in Uruguay have participated in regional and global IGF initiatives from the start, and this was partly the incentive behind holding the first Uruguay IGF. While some of the issues that have been discussed at the Latin America and the Caribbean IGF filtered down to the local IGF last year, others did not. For example, in Uruguay the issues of internet access and the quality of internet access are not as

challenging as in other countries in the region. In comparison, the issue of net neutrality was a substantially more important topic, with not enough time to discuss the challenges. Similarly, a very specific topic that impacts on the local climate – how mobile applications are creating tensions between labour unions, the government and companies – needs particular attention in the national IGF.

Conclusions

Although the overall outcome of the first IGF in Uruguay can be seen as positive, a balance among the levels of participation of different sectors, gender balance, and the participation of young people are problems that need to be addressed. There remain more questions than answers when we try to understand how to improve this: Why is it that in a country where civil society is active, its participation in the IGF is low? How should we make the event attractive to activists? How do we involve the private sector in internet governance debates? And how do we attract young people to the event? Future IGFs could look at the experiences of other countries in the region for answers.

Part of the solution involves the media. Future IGFs need to give more consideration to their media and communications strategy. How can they inform and raise awareness among groups and stakeholders that might have an interest in the event? How can the media also be used to raise the level of debate at the IGF?

While the discussions at the first IGF in Uruguay have had a marginal impact on public policies, the event has set a precedent for discussions on internet governance issues. The fact that it was the first IGF in Uruguay left a mark and has created strong interest among the different sectors.

Action steps

It is important to take a number of steps to strengthen the IGF in Uruguay:

- Greater involvement of civil society and the business sector is necessary. Their lack of involvement needs to be properly understood, and a strategy developed to ensure their participation in future events.
- Work needs to be done on identifying leaders, especially women and young leaders, who can participate in the event. With regard to young people, the theme of future leaders in internet governance needs to be developed.
- As far as constituting the organising committee goes, it is important to publish an open call for participating in the committee rather than to

constitute it through invitation only. This will ensure more transparent and open participation in the organisation of the event and provide an opportunity for marginalised groups to participate.

- To strengthen and stimulate interactions at the IGF, an agenda that encourages debate and exchanges between stakeholders on different issues ahead of the IGF should be developed. This could be done using different tools and approaches (e.g. webinars, mailing lists, quarterly meetings, etc.). By doing this, stakeholders will be able to engage in the event with more depth and expertise.
- Capacity among journalists to report on internet governance issues also needs to be built. This could involve a series of meetings aimed at journalists, where internet governance topics are unpacked to encourage interest and develop the depth with which internet governance issues can be discussed in the media.
- Finally, a joint communication and dissemination strategy that promotes the IGF and shares its information and outputs effectively, and which involves the media, communicators and stakeholders, should be considered.



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Introduction

Venezuela is a country in crisis as a result of political fractures and serious economic and social difficulties affecting society in general. Internet governance is not immune to this dynamic. Institutionally there is a confrontation between different political groupings,¹ which prevents concrete actions from being taken to promote a constructive national dialogue that can solve the crisis. This report considers the impact of Internet Governance Forums (IGFs) on public policies and the equitable development of an accessible and sustainable Internet. It presents a summary of Venezuela's efforts in creating a national IGF and participation in regional and global governance forums and the commitments that have been made in these areas to establish alliances on internet-related issues. Finally, a series of recommendations are presented to guarantee the defence of internet rights that promote an environment of sustainable and equitable internet development in the country, and the creation of an inclusive and open information society.

Legal framework

In Venezuela there is a regulatory framework that protects internet rights and promotes progressive internet governance in the country. The legal instruments that defend internet rights² are enshrined in the Constitution³ in the following articles: 52, 57, 59, 60, 61, 67, 75, 95, 118, 184, 199, 201 and 308. There is also legislation that protects internet rights, such as the Law on Social Responsibility in

Radio, Television and Electronic Media,⁴ the Organic Law on Telecommunications,⁵ the draft Organic Law on Transparency, Disclosure and Access to Public Information,⁶ the Law on E-Government,⁷ the Special Law against Computer Crime,⁸ a law protecting children and adolescents with regards to videogames and the use of multimedia,⁹ a law limiting the use of mobile phones and the internet inside prisons,¹⁰ the Organic Labour Law,¹¹ and the Law on Political Parties, Public Meetings and Protests.¹²

In particular, the right to access the internet is regulated in the following instruments: the Law on the Promotion and Protection of Investment in the Use of the Radioelectric Spectrum,¹³ the Partial Regulation of the Organic Law of Telecommunications for the Granting of Financing for the Research and Development of Telecommunications,¹⁴ a law on national frequency assignments,¹⁵ a law regulating taxes established in the Organic Law of Telecommunications,¹⁶ a law regulating interconnection,¹⁷

- 4 www.conatel.gob.ve/files/leyrso6022014.pdf
- 5 www.conatel.gob.ve/ley-organica-de-telecomunicaciones-2
- 6 www.asambleanacional.gob.ve/uploads/documentos/doc_f6c8c5d3f5b7669b997ba69ae46d4e7674d9a87a.pdf
- 7 www.conatel.gob.ve/wp-content/uploads/2014/10/PDF-Ley-de-Infogobierno.pdf
- 8 www.mp.gob.ve/c/document_library/get_file?uuid=4187ac5f-5e70-4005-9080-0e2aed3d81b4&groupId=10136
- 9 www.conatel.gob.ve/wp-content/uploads/2014/10/PDF-Ley-para-la-Proteccion-de-Ni%C3%B3s-de-Ni%C3%B1os-Ni%C3%B1as-y-Adolescentes-en-Salas-de-Usode-Internet-Videojuegos-y-otros-Multimedias.pdf
- 10 www.asambleanacional.gob.ve/uploads/botones/bot_gaba4ac92cb2b35a6317d66c7d07f8b4d8911327.pdf
- 11 www.lottt.gob.ve
- 12 www.derechos.org/pw/wp-content/uploads/Ley_de_Partidos_Politico_2010.pdf
- 13 www.defiendete.org/html/de-interes/LEYES%20DE%20VENEZUELA/LEYES%20DE%20VENEZUELA%20II/LEY%20PARA%20LA%20PROMOCION%20Y%20PROTECCION%20DE%20LAS%20INVERSIONES%20EN%20EL%20USO%20Y%20EXPLOTACION%20DEL%20ESPECTRO%20RADIOE.htm
- 14 www.google.com/#hl=es&xhr=t&q=REGLAMENTO+PARCIAL+N%C2%Bo+1+DE+LA+LEY+ORG%C3%81NICA+DE+TELECOMUNICACIONES&cp=64&pf=p&scient=psy&site=&source=hp&aq=f&aqi=&aql=&oq=REGLAMENTO+PARCIAL+N%C2%Bo+1+DE+LA+LEY+ORG%C3%81NICA+DE+TELECOMUNICACIONES&pbx=1&bav=on.2,or.r_gc.r_pw.&fp=9c199bd8e181d1f9&biw=1169&bih=476
- 15 www.conatel.gob.ve/files/consulta/PA_CUNABAF_CP.pdf
- 16 ebookbrowse.com/reglamento-sobre-los-tributos-establecidos-en-la-ley-organica-de-telecomunicaciones-pdf-d70210029
- 17 www.minpptrass.gob.ve/paginas/reglamentos/reginterconexion.html

1 For example, the National Assembly, which is governed by the current constitution, and the National Constituent Assembly (elected in July 2017), which seeks to modify the current constitution without the participation of the opposition in the country.

2 As established, for example, in the APC-La Rue framework for assessing freedom of expression and related rights on the internet. See: <https://www.apc.org/en/pubs/internet-freedom-index-draft-checklist>

3 www.conatel.gob.ve/constitucion-de-la-republica-bolivariana-de-venezuela-2

a law on electronic signatures and related issues,¹⁸ Decree No. 825,¹⁹ Decree No 6,649,²⁰ Exceptional Decree No 2,849,²¹ and the Bill against Hate and Intolerance and Promoting Peaceful Coexistence.²²

Venezuela has signed several treaties on internet governance,²³ while also taking positions against UN resolutions such as the resolution issued in July 2016 to protect access to the internet and the right to freedom of expression, alleging that it violates the stability of the country.²⁴

Analysis of a multisectoral environment in internet governance in Venezuela

In Venezuela, the importance of the internet for the development of the country is recognised. Specifically, the Constitution stipulates that “the internet is also an invaluable tool for access and dissemination of ideas,” while Decree No 825²⁵ declares that the internet should be a priority policy issue, and is critical to global integration and as a tool for national and regional development.

However, while national regulations have set the guidelines for internet development in the country, there is a clear deterioration in the quality of access. This has particularly been the case given the economic crisis and the implementation of foreign exchange controls. This has meant that there is a lack of investment in telecommunications infrastructure in the country, which, according to experts, has become obsolete and deficient.²⁶ Because of this, Venezuela is among the countries with the slowest internet speeds in Latin America and the Caribbean. According to a report issued by the Economic Commission for Latin America and the Caribbean (ECLAC),²⁷ “Venezuela shows the slowest speed in access through fixed broadband (1.9 Mbps) [in the region], and in terms of performance, the country is one of the laggards with only 0.5% of its connections more than 10 Mbps and 0.2% of

connections above 15 Mbps.” Likewise, the internet speed ranking issued by Akamai²⁸ in June 2017,²⁹ shows that the average internet speed in Venezuela is below 2 Mbps and places Venezuela in position 14 of a group of 15 countries.

Government officials, however, argue that the poor quality of the network is due to the “democratisation of the service”. According to Jacqueline Farias, president of the state-owned company Movilnet, “in Venezuela the internet is a slow service because it is accessible, within reach of all and widely used by the population, and is a product of the democratisation of the service.”³⁰ To deal with this problem, the Venezuelan president stated in March 2017 that “all fibre optic networks in the country will be standardised, which will improve data communication by 35%, [impacting on] internet capacity, voice and data services.”³¹

However, it seems that government efforts are insufficient, as complaints about the quality of service are increasing among users in both urban and rural areas. Users have expressed their dissatisfaction with the interruptions and failures of the internet service,³² and organisations such as the United Nations (UN) and the Inter-American Commission on Human Rights (IACHR) warn about the frequent internet shutdowns and sites being blocked.³³ Between March and July 2017, when demonstrations against the government took place,³⁴ the use of the internet and social networks increased considerably, which generated a series of measures and new laws³⁵ by the government, including Decree No 849.³⁶ According to a 2016 report published by Espacio Público,³⁷ there were 366 violations of freedom of expression in that year, and, more recently, the closure of several media outlets.³⁸ The UN Special Rapporteur on freedom of

28 <https://www.akamai.com>

29 <https://www.akamai.com/es/es/about/our-thinking/state-of-the-internet-report/state-of-the-internet-connectivity-visualization.jsp> and actualizat.com.ve/2017/07/25/ranking-velocidad-de-internet-venezuela-entre-los-ultimos

30 www.el-nacional.com/noticias/politica/jacqueline-faria-internet-venezuela-lento-por-democratizacion-del-servicio_20798

31 <https://www.aporrea.org/tecnologia/n306245.html>

32 www.el-nacional.com/noticias/sociedad/usuarios-denuncian-fallas-servicio-cantv_47940

33 espaciopublico.org/expertos-onu-cidh-rechazan-censura-detenciones-ataques-periodistas

34 www.caraotadigital.net/nacionales/las-106-muertes-violentas-en-117-dias-de-protestas-contra-regimen-de-maduro

35 www.noticierodigital.com/2017/08/exclusiva-borrador-del-proyecto-de-ley-contra-el-odio

36 dctos.finanzasdigital.com/Gaceta-Extraordinaria-6298-Extension-Estado-Excepcion.pdf

37 espaciopublico.org/informe2016

38 espaciopublico.org/category/noticias-2/comunicados

18 www.tsj.gov.ve/legislacion/dmdfe.htm

19 www.cecalc.ula.ve/internetprioritaria/decreto825.html

20 www.cecalc.ula.ve/internetprioritaria/decreto.html

21 dctos.finanzasdigital.com/Gaceta-Extraordinaria-6298-Extension-Estado-Excepcion.pdf

22 www.noticierodigital.com/2017/08/exclusiva-borrador-del-proyecto-de-ley-contra-el-odio

23 Such as the 2012 treaty on the control of the internet signed at the World Conference on International Telecommunications (WCIT) convened by the United Nations in Dubai. www.itu.int/en/wcit-12/Pages/overview.aspx

24 www.eldiario.es/hojaderouter/internet/libertad_de_expresion-internet-Naciones_Unidas-resolucion_o_535096845.html

25 www.cecalc.ula.ve/internetprioritaria/decreto825.html

26 informe21.com/ciencia-y-tecnologia/tecnologia-obsoleta-cause-la-lentitud-de-internet-en-venezuela-segun-experto

27 www.el-nacional.com/noticias/historico/cepal-venezuela-tiene-velocidad-internet-mas-lenta-latinoamerica_7514

expression has also warned of threats to freedom of the press in the country.³⁹

In this context, which reflects a deterioration of the rights of access and freedom of expression, three local internet governance events have been held in Venezuela between 2014 and 2015, and representatives of the government, civil society and the private sector have participated in regional and global forums.

National internet governance events

Three key local internet governance events were held in Venezuela between 2014 and 2015. The first was the Meeting on Internet for Development and Transformation,⁴⁰ organised by the Association of Internet Users of Venezuela,⁴¹ on 11 and 12 August 2014. This event addressed issues such as: a) democratisation of the internet, b) use of social networks, c) use of physical and logical resources of the network, d) internet governance, e) development of information and communications technology (ICT), f) gender perspectives on the network, g) free/libre technologies, h) e-government, and i) technological literacy. Representatives from the government, civil society, business, the Internet Corporation for Assigned Names and Numbers (ICANN) and the Latin America and Caribbean Network Information Centre (LACNIC)⁴² participated in the event.⁴³

The second major event was the first national IGF in Venezuela,⁴⁴ organised by the Internet Society (ISOC) chapter in Venezuela⁴⁵ on 24 September 2014. The forum highlighted a series of regulations⁴⁶ that impact on the use of the internet in Venezuela. The forum was attended by representatives of the government, the local internet users association, telecommunications companies, universities, and representatives of LACNIC and the United Nations

Development Programme (UNDP).⁴⁷ The objective of the forum was to promote the participation of different sectors, with the aim of raising the level of dialogue to generate consensus on decisions and to enhance awareness and knowledge topics related to the internet inside and outside Venezuela.⁴⁸ Among the conclusions⁴⁹ of the forum were: a) the recognition of the value of the internet as a tool for freedom of expression; b) the importance of generating spaces to listen to and contrast different positions; c) the importance of internet governance and the multistakeholder model of internet governance; and d) the need to educate and provide users with knowledge on internet use and development. This event demonstrated the need for dialogue and debate on internet governance in Venezuela.

Finally, the second national IGF, on the theme of development and social transformation,⁵⁰ was organised by the Association of Internet Users of Venezuela⁵¹ and ISOC-Venezuela from 13 to 15 August 2015. Participants included representatives of the government, private sector and civil society. The purpose of the meeting was to understand the importance of the internet in development and social transformation. It was attended by Latin American and Caribbean (LAC) representatives of ICANN and representatives of the governments of Brazil, Argentina and Mexico. The following topics were addressed: a) is there an internet government?; b) internet governance beyond ICANN; c) inclusion, accessibility and disability; d) internet as a sustainable business model; e) net neutrality; f) the internet ecosystem and the process of transferring functions of the Internet Assigned Numbers Authority (IANA);⁵² g) the transition to IPv6; h) security in the network; and i) the need for a local internet exchange point (IXP) in Venezuela. William Castillo, president of the telecoms regulator CONATEL, said that the “ICANN multistakeholder model has its correlative in Venezuela in the inclusive and participatory democracy established by the National Constitution.”⁵³ Rodrigo de la Parra, ICANN’s vice-president, acknowledged that “Venezuela promotes a multistakeholder model of the internet in the discussion of issues related to the

39 espaciopublico.org/venezuela-crisis-relatores-la-onu-del-sistema-interamericano-alertan-del-deterioro-la-libertad-prensa

40 <https://www.aporrea.org/tecnologia/n255903.html> y www.avn.info/ve/contenido/i-encuentro-sobre-internet-para-desarrollo-y-transformacion-social-comienza-este-lunes

41 <https://atlarge.icann.org/lacralo/cartagena-outreach/factsheet-internauta-venezuela-19jan11-es.pdf>

42 www.lacnic.net

43 Participants included representatives of the Ministry of Science, Technology and Innovation, the Vice Ministry of Telecommunications, CONATEL, ICANN, LACNIC, Proyecto Nacional de Hardware Libre, Red Académica Nacional, free/libre software activists, ISOC-Venezuela, Cámara Venezolana de Empresas de Electrónica y Tecnologías de la Información (CAVEDATOS) and CANTV.

44 entornointeligente.com/articulo/2987668/VENEZUELA-La-Gobernanza-de-Internet-se-discutira-en-Venezuela-06082014

45 <https://www.isocvenezuela.org/1er-encuentro-gobernanza-de-internet>

46 Rules concerning: a) internet as an element of social development, b) net neutrality, c) cybercrime and privacy online, d) internet infrastructure, e) internet quality, f) internet reach in Venezuela, and g) internet governance.

47 www.ve.undp.org

48 espaciopublico.org/encuentro-internet

49 www.ciberespacio.com.ve/2014/09/software/encuentro-de-gobernanza-de-internet-evidencia-necesidad-de-dialogo-y-debate

50 cnti.gob.ve/noticias/actualidad/nacionales/4852-arranca-ii-encuentro-de-gobernanza-de-internet.html

51 <https://atlarge.icann.org/lacralo/cartagena-outreach/factsheet-internauta-venezuela-19jan11-es.pdf>

52 iana.org

53 www.conatel.gob.ve/gobernanza-de-internet-debe-construirse-entre-todos-y-todas

administration, regulation and use of the global network.”⁵⁴ As a result of the meeting, representatives of CONATEL announced the launch of the national IXP in Venezuela,⁵⁵ which will save on international traffic costs and improve technical efficiency. This project is part of the e-government public policy to modernise the state.

LAC regional preparatory meetings on internet governance

With regard to the LAC regional preparatory meeting for the IGF (LACIGF),⁵⁶ of the 10 forums held, Venezuela has participated in only five: 2010 in Ecuador (the third LACIGF), 2014 in El Salvador, 2015 in Mexico, 2016 in Costa Rica and 2017 in Panama. This low participation could weaken Venezuela’s influence in relation to internet governance, and could be why so few national IGFs have been held.

At the seventh LACIGF in El Salvador,⁵⁷ representatives of CONATEL⁵⁸ shared their vision of the internet in Venezuela and globally in a track called “Internet Access: Challenges and Opportunities for Development”. Venezuela’s participation in the LACIGF that year was followed by meetings in the country to address internet governance issues and the creation of multistakeholder teams to establish agreements and actions on internet governance. The national IGF was launched in Venezuela after this forum.

Another aspect to consider is that representatives of the government,⁵⁹ civil society and companies have participated in the regional forums in an isolated way, which does not allow Venezuela to develop national cohesion on issues related to the internet.

Civil society launched the San José Declaration⁶⁰ during the LACIGF 2016, expressing their concern about the threats to a free and open internet in the region, and the absence of commitment

from local governments for the protection of human rights online and the guarantee of access and digital inclusion. The critical situation facing freedom of expression in Venezuela was highlighted in this statement, but not all representatives of civil society in Venezuela who attended the forum signed the declaration, which may partially weaken the initiative.

Global internet governance meetings

Out of the 11 global IGFs held so far, Venezuelan government representatives have only participated in three: IGF 2007 in Rio de Janeiro, IGF 2013 in Bali (with ISOC Venezuela and Espacio Público),⁶¹ and IGF 2014 in Istanbul (with ISOC-Venezuela and universities). In 2015 it supported the proposal by the European Parliament for the United Nations to renew the IGF’s mandate,⁶² strengthen its access to resources and maintain the multistakeholder internet governance model. This suggests the Venezuelan government’s commitment to maintaining this model.

In 2014 Venezuela participated in the ICANN 54⁶³ event held in Dublin from 18 to 22 October.⁶⁴ Representatives from CONATEL, ISOC-Venezuela, universities and tech companies participated in the event. Specifically, CONATEL expressed its commitment to promote multistakeholder meetings. Jesús Rivera, head of CONATEL’s International Research and Monitoring Division, said: “One of CONATEL’s main interests at ICANN 54 is to find the key elements that will allow Venezuela to create a multistakeholder model in internet governance.” In addition, he noted that “CONATEL encourages participation in these meetings and promotes national debate on the subject by organising annual meetings that accommodate the views of the community, especially in relation to the preparation of proposals for public policies on the internet.”

With regard to other global forums where Venezuela has participated, at the Third Summit of Community of Latin American and Caribbean States (CELAC)⁶⁵ in 2015, a declaration on internet governance supporting the multistakeholder model was signed,⁶⁶ and at the World Conference on Inter-

54 www.conatel.gob.ve/icann-venezuela-impulsa-modelo-multiparticipativo-de-internet

55 www.elmundo.com.ve/noticias/economia/politicas-publicas/conatel-idea-plan-para-modernizar-el-internet.aspx and www.conatel.gob.ve/aumento-de-intercambio-de-trafico-local-menos-costo-y-mayor-banda-ancha

56 <https://lacigf.org>

57 <https://www.icann.org/news/blog/lacigf-america-latina-y-el-caribe-se-reunen-para-celebrar-su-7-igf-regional>

58 www.conatel.gob.ve/gobernanza-en-internet-venezuela-comparte-su-vision/

59 Venezuela’s participation in the LACIGF: 2010 – EsLaRed and government; 2014 – government; 2015 – Universities, EsLaRed, ISOC-Venezuela; 2016 – ISOC-Venezuela, EsLaRed, IPyS, Espacio Público, VE Inteligente and Acceso Libre; and 2017 – ISOC-Venezuela.

60 espaciopublico.org/declaracion-la-sociedad-civil-foro-latinoamericano-gobernanza-internet-2016

61 espaciopublico.org

62 www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B8-2015-0099+0+DOC+PDF+Vo//ES

63 www.conatel.gob.ve/venezuela-debate-sobre-gobernanza-de-internet-en-icann-54-dublin

64 Such as: (a) discussion of the influence that certain governments may have on the management of central domain name registries, (b) ICANN’s accountability, and c) internet governance, among others.

65 www.sela.org/celac/quienes-somos/que-es-la-celac

66 walk.sela.org/attach/258/default/Declaracion_15_Sobre_procesos_de_gobernanza_en_Internet.pdf

national Telecommunications in 2012, Venezuela endorsed the Dubai treaty on internet controls⁶⁷ as one of 89 signatory countries.

Conclusion

Different sectors of the country have tried to use the internet to develop and modernise Venezuela in line with the progressive legal instruments and public policies implemented by the government. However, the political, economic and social problems, the lack of national consensus among the different forces of the country, the formation of powers that seek to change the national constitution without the participation of the opposition, as well as repressive internet controls have affected the sustainable and balanced development of the country. In particular, the telecommunications sector has been seriously compromised.

The will of different sectors of society cannot be ignored, such as the organisers of the IGFs, civil society and internet users, and public and private entities, all of which have supported the idea of multistakeholder engagement. The national forums have reaffirmed the indisputable value of the internet, reflected in training plans to educate and provide users with knowledge on internet rights, cybersecurity and net neutrality, and have supported public policies that promote multistakeholder engagement. In its regional and global IGF engagement, the government has maintained particular positions on the vision of the global internet network and the need to maintain a multistakeholder model, but its lack of participation has limited its involvement in the decision making promoted in these spaces. However, in events organised by CELAC, Venezuela has been more active. It has allies in countries that seek to unify internet regulations in the region.

For its part, civil society has seen the forums as offering spaces to alert the world about the weakening of internet rights in Venezuela, to help shape

the internet governance model, and to identify actions that promote the development of the internet through projects, training interventions, and consultancies, among others.

Action steps

The country is at a historic juncture where the social and political divisions are at a breaking point. In this context, the multistakeholder model represents an opportunity to identify actions that jointly allow us to tackle priority projects and problems, work towards collaborative internet governance, and remain open to the strengthening and development of an inclusive and sustainable information society. Nevertheless, the government must guarantee the conditions for such an open space for discussion to exist, while also guaranteeing the technical conditions necessary to achieve the proper functioning of services such as internet access (among other services, such as water and electricity). Likewise, the government should be vigilant so that citizens' internet rights remain secure. It should create the mechanisms for service providers to access foreign exchange to improve telecommunication platforms and infrastructure, and allow migration to the latest generation of technologies to improve connectivity and access speeds.

For its part, civil society must leverage international mechanisms to defend internet rights in the country, documenting infringements of these rights, and supporting initiatives that give visibility to the situation in Venezuela. It should also participate in the forums and events that promote dialogue. ISOC and LACNIC, among others, can help through scholarships and financial aid. Civil society forums should be created where organisations can discuss issues to reach a common perspective. Organisations such as EsLaRed should continue to promote internet governance in its technical training and advice offered to the government, academic community and private sector in the region.

⁶⁷ www.eldiario.es/zonacritica/Neutralidad-Red-Internet-Libertad-ITU-WCIT-12_6_86851317.html



YODET

Walid Al-Saqaf

<https://yodet.org>

Introduction

Yemen's ongoing war has resulted in over 10,000 fatalities and close to a million people fleeing their homes.¹ It has also resulted in about 17 million citizens (65% of the population) suffering from hunger and has deprived around 16 million of access to water or sanitation,² with the United Nations (UN) saying that Yemen has suffered the "world's worst cholera outbreak."³ With all this going on, it may initially appear that the subject of internet governance would be the least of Yemen's concerns, especially if we consider that its internet penetration rate does not exceed 25%.⁴

Yet this report argues that overlooking the internet's role in such critical times is a mistake. The rationale behind this argument stems from the fact that the internet enables citizens to communicate freely, and this freedom would be particularly vital when citizens are in distress. In some ways, the internet is what is keeping the country from plummeting into an information black hole that would isolate it from the rest of the world, and could result in unspeakable atrocities and untold miseries.

"Because truth is often the first casualty of war, getting the truth out to the world and pointing to the atrocities committed against civilians are crucial to holding all sides accountable and pushing for a peaceful resolution," said Fahmi Albaheth,⁵ who chairs the Internet Society Yemen Chapter (ISOC-YE),⁶ a national civil society organisation

known for its active internet-related work during the war.

It is therefore worth asking how the war affects internet governance debates and what could be done to overcome existing obstacles and challenges. This report, which is based on a series of interviews with stakeholders in the internet governance space in Yemen, aims at answering these questions and proposes a set of actions.

Policy and political background

Yemen's war started in 2015 when Shiite Iran-backed Houthi rebels supported by the former regime of Ali Abdullah Saleh seized control of the capital Sana'a and vast parts of the country from the new president at the time, Abd Rabbo Mansour Hadi, who had to flee to Saudi Arabia.

In response to this coup, a regional coalition led by Saudi Arabia started a military counter-offensive on the Houthi-Saleh forces to reinstate Hadi's regime. As of August 2017, pro-Hadi forces have succeeded in recapturing the second-largest city, Aden, and the majority of the southern and eastern parts of the country, while the capital and the second-largest coastal city, Hodeidah, along with most of the northern governorates, remain under the control of the Houthi-Saleh coalition.⁷ In other words, the country is now split into two parts, each ruled by a different regime.

Hadi's regime attempted to move most of the governmental entities from Sana'a to Aden, including the Central Bank of Yemen, which made international monetary transactions easier in the south compared to the north.⁸

Since the country's telecommunication sector is centrally managed in the capital Sana'a, all internet service providers (ISPs) remained under the control of the *de facto* government instated by the Houthi-Saleh coalition, which has in turn imposed severe

1 United Nations. (2016, 28 October). Amid escalating conflict in Yemen, UN-associated migration agency launches 150 million regional appeal. *UN News Centre*. www.un.org/apps/news/story.asp?NewsID=55423

2 United Nations. (2017, 18 August). Yemen's 'man-made catastrophe' is ravaging country, senior UN officials tell Security Council. *UN News Centre*. www.un.org/apps/news/story.asp?NewsID=57380

3 Al-Jazeera. (2017, 25 June). UN: Yemen faces world's worst cholera outbreak. www.aljazeera.com/news/2017/06/yemen-faces-world-worst-cholera-outbreak-170625041932829.html

4 www.internetworldstats.com/me/ye.htm

5 Interview with Fahmi Albaheth, 8 August 2017.

6 <https://www.isoc.ye>

7 Al-Haj, A., & Michael, M. (2015, 25 March). Yemen's president flees Aden as rebels close in. *The Star*. <https://www.thestar.com/news/world/2015/03/25/yemen-president-hadi-flees-aden-palace-as-houthi-rebels-near-officials-say.html>

8 Ghobari, M., & Al Sayegh, H. (2016, 18 September). Yemen president names new central bank governor, moves HQ to Aden. *Reuters*. www.reuters.com/article/us-yemen-cenbank-idUSKCN110oWB

restrictions, including censoring⁹ dozens of websites it deems to be pro-Hadi or belonging to the political opposition.¹⁰ According to Mishaal Thabet, who works for the country's exclusive provider of international telecommunications TeleYemen¹¹, the Aden-based Hadi government rarely coordinates with the Houthi-Saleh coalition in Sana'a, resulting in tremendous confusion, particularly when dealing with international partners.¹²

Challenges facing a national IGF in Yemen

Space for deliberation on internet governance issues in Yemen has mostly been limited due to the enormous challenges caused by the war. Faint voices calling for a national Internet Governance Forum (IGF) are being suppressed by the restrictions that the current circumstances produce. In order to understand how this came to be, it is important to review the relevant stakeholders and briefly describe how the situation in Yemen has developed over the last few years in relation to their roles and impact.

Since the *de facto* government of the Houthi-Saleh coalition took over the capital, they have also controlled the telecommunications sector, including all internet services. There were and still are fears that the Saudi-led coalition forces may attempt to target the Ministry of Telecommunications facilities or that the Sana'a government could shut down internet access to prevent pro-Hadi groups from using it.

Those fears were escalated when a brief shutdown occurred in April 2015, triggering a burst of discussion on social media regarding ways to create alternative means of accessing the internet in case of a total shutdown.¹³ A project created by the Yemeni Organization for Emergency and Exchange Technology (YODET)¹⁴ promoted satellite as one potential solution for activists and journalists to

remain connected to the internet.¹⁵ Meanwhile, internet speed and user experience nationwide continued to deteriorate due to damage to fibre-optic cables caused by the violent clashes. According to a source at the Ministry of Telecommunications, up to 30% of the international link's bandwidth capacity was reduced due to aerial bombardments on infrastructure facilities that were not maintained due to an embargo imposed by the Saudi-led coalition.¹⁶ The fact that the internet penetration rate continued to rise during the war, despite the difficult economic and humanitarian developments, shows how much of a necessity it has become to many citizens.

YODET's president, Adli Al-Kharasani, pointed out that the authorities in Sana'a had also started to systematically restrict access to internet services by limiting bandwidth and imposing higher tariffs. "We don't find any space for transparent internet policy discussions due to the ongoing war. Those in the government don't seem to give our view as civil society much weight," Al-Kharasani complained.¹⁷

An academic who has been actively involved in the regional internet governance space through the Internet Society¹⁸ and the Internet Corporation for Assigned Names and Numbers (ICANN),¹⁹ Amal Ramzi, has expressed concern that there is lack of clarity about regulations and how they are applied in Yemen. The authorities may target internet end-users by suspending their services, invading their privacy and censoring online content.²⁰ The Houthi-Saleh regime has in fact suspended laws that protect citizens' rights, leading to arrests, prosecutions and even assaults on social media activists, as was the case with Hisham Al-Omeisy, who was incarcerated in August 2017 without due process.²¹

Amidst those serious developments, the internet community has had no free or open space for stakeholders to discuss internet governance matters. Several civil society actors interviewed for this study stressed that the lack of such a space meant that plans to organise a national IGF had to be put

9 It is noteworthy that the authorities used Canadian software company Netsweeper for blocking websites. See Dalek, J., et al. (2015). *Information Controls during Military Operations: The case of Yemen during the 2015 political and armed conflict*. The Citizen Lab. <https://citizenlab.ca/2015/10/information-controls-military-operations-yemen>

10 Ghattas, A. (2015, 15 April). News and Search Websites Blocked in Yemen as Conflict Escalates. *Global Voices*. <https://globalvoices.org/2015/03/30/news-and-search-websites-blocked-in-yemen-as-conflict-escalates>

11 www.teleyemen.com.ye

12 Interview with Mishaal Thabet, 21 August 2017.

13 Peterson, A. (2015, 2 April). Another casualty in Yemen: Internet stability. *The Washington Post*. <https://www.washingtonpost.com/news/the-switch/wp/2015/04/02/another-casualty-in-yemen-internet-stability>

14 <https://yodet.org>

15 Al-Saqaf, W. (2016). How the internet is giving Yemen a chance in its darkest hour. In A. Finlay (Ed.), *Global Information Society Watch 2016: Economic, social and cultural rights and the internet*. Johannesburg: APC and IDRC. www.giswatch.org/en/country-report/economic-social-and-cultural-rights-escrs/yemen

16 Ibb News. (2017, 2 April). Ministry of Telecommunications indicates reasons behind slow speed and when it will be resolved. www.ibt-news.com/?p=22671

17 Interview with Adli Al-Kharasani, 5 August 2017.

18 <https://www.internetsociety.org>

19 <https://www.icann.org>

20 Interview with Amal Ramzi, 15 August 2017.

21 Human Rights Watch. (2017, 18 August). Yemen: Houthis Detain Prominent Activist. <https://www.hrw.org/news/2017/08/18/yemen-houthis-detain-prominent-activist>

on hold, since this would require creating a multi-stakeholder advisory group as per UN criteria,²² and the restrictions imposed by the government made forming such a group extremely difficult.

The *de facto* government in Sana'a has maintained an approach that prevents stakeholders from having a say on internet issues. There were decisions taken to limit bandwidth capacity and raise tariffs, for example, without consulting any of the relevant stakeholders, which caused an outcry within civil society and small businesses.²³ Internet café owners and activists said that such unilateral decisions may generate more revenue for the government but will be damaging in the long run, since they cripple innovation, entrepreneurship and economic development and limit freedom of expression.²⁴

Amr Mustafa, who manages some of YODET's activities with donors to strengthen weaker stakeholders in the internet governance space, agrees with this view, and points to the short-sightedness of the authorities when it comes to opportunities that the internet could bring.

Unlike many other countries around the world, the private sector in Yemen has limited influence in the internet governance space. The core businesses concerned about internet governance in Yemen are mobile operators, namely MTN-Yemen,²⁵ Sabafon²⁶ and Y Telecom,²⁷ who are in direct competition with the public mobile operator Yemen Mobile, which has a much stronger influence and subscription base. Although private mobile operators have a significant share of the market, they were unable – despite numerous attempts – to persuade the authorities to allow them to provide 3G or LTE services; their licences for these services have remained pending since 2015.²⁸ These private operators also compete indirectly with YemenNet,²⁹ Yemen's public ISP that is directly controlled by the Ministry of Telecommunications, which also controls TeleYemen,³⁰ the country's exclusive provider of international telecommunications, including internet connectivity.

This business-unfriendly environment has had a direct impact on users. “The internet is unfortunately mainly used for browsing websites, watching TV episodes, getting information and wasting time. It's not utilised for business development or other more productive purposes,” said Thabet, adding that the war's negative impact on the economy has resulted in stagnation in e-commerce projects and initiatives that had emerged in earlier years.³¹

Civil society, on the other hand, is much more influential than the private sector in internet governance discussions. It all started in 2013 when a serious dialogue around information technology and internet governance was triggered by ISOC-YE, which invited representatives of two globally recognised organisations, namely ICANN and the regional internet registry RIPE NCC,³² to meet local stakeholders from the government, private sector, technical community and civil society. The purpose was to debate the present and future of the internet in Yemen.³³

Abduljalil Alkubati, who used to head the internet division of YemenNet, said that at the time there was some strong collaboration between the government, represented by YemenNet and the Ministry of Telecommunications, and civil society, represented by ISOC-YE.³⁴ At the end of the ICANN/RIPE NCC visit, one of the recommendations called for organising Yemen's first national IGF, which could function as an arena where stakeholders could discuss ways to enable internet access and use more widely across the country.

“We started contacting our counterparts in Tunisia to learn from their experience in organising the Tunisian IGF and we were all excited and enthusiastic about the prospects of holding the first ever national IGF in Yemen. But all those dreams were dashed when the war erupted,” Alkubati said. He added that civil society as a stakeholder group has been pushing to hold a national IGF, since it is seen as the right arena to discuss how the internet could promote economic development, democratisation, and empowering the youth, who constitute the majority of the Yemeni population.

There was consensus among those interviewed for this report that the only three stakeholder groups that appear to be engaged in the internet governance space in Yemen are the government, business

22 IGF, Frequently Asked Questions about the NRIs. <https://www.intgovforum.org/multilingual/content/frequently-asked-questions-about-the-nris>

23 Almasdar Online. (2016, 1 December). Houthi and Saleh's Party Disable “Golden Line” Package from Yemeni Internet Users. www.almasdaronline.com/article/86825

24 Kamil, K. (2016, 5 December). Wide discontent caused by abolition by government of Golden services for local subscribers. almawqea.net/news/14284

25 www.mtn.com.ye

26 www.sabafon.com

27 www.y-gsm.com

28 Interview with Amir Mustafa, 11 August 2017.

29 www.yemen.net.ye

30 www.teleyemen.com.ye

31 Interview with Mishaal Thabet, 21 August 2017.

32 <https://ripe.net>

33 Batayneh, F. (2014, 10 September). Outreach Visit to Sana'a, Yemen. *ICANN*. <https://www.icann.org/news/blog/outreach-visit-to-sana-a-yemen>

34 Interview with Abduljalil Alkubati, 21 August 2017.

and civil society, while the weakest stakeholders are the technical and academic communities, which are considered absent. For example, Amal Ramzi, who happens to be among the most active Yemeni female academics on internet governance issues, engages in her capacity as a member of civil society. According to Ramzi, the two main reasons for the absence of academia and the technical community were the lack of awareness of the role they could play in internet governance, and the fear of losing their positions at their institutes and universities if they bring up the notion of “governance”, which is often perceived as a taboo topic.³⁵

A similar attitude is evident regarding IGF principles such as transparency, multistakeholderism, inclusiveness and bottom-up processes as an approach to debating internet governance issues. The authorities in charge of the telecommunications sector in Sana’a appear to reject these notions, and consider anything to do with internet “governance” a threat. According to Thabet, “If you use the word ‘governance’, you may be accused of being a traitor or someone who wishes to create instability or weaken revenues from the telecommunication sector.”³⁶

Regional reflection

For some, the problem in Yemen is neither war-related, nor is it unique to the country. Some of the interviewees approached for this report see it rather as a regional problem, since most of the countries in the Arab world suffer from a similar imbalance in the representation and impact of stakeholders on internet governance discussions. A glaring example is the Arab IGF, whose 2015 version in Beirut was criticised for not having sufficient civil society representation when it came to issues addressed in the main sessions, which were dominated by government and business representatives.³⁷

According to Adli Al-Kharasani, who attended his first Arab IGF in Beirut in 2014, there was a disproportionately larger number of delegates from the government compared to civil society. Furthermore, he said that despite the representation in main session discussions, the business and academic communities were mostly absent. As a civil society participant, Adli viewed the event as an opportunity to learn and engage with others from the region in areas that Yemen’s civil society cares

about the most. These areas of interest range from infrastructure development, liberating the marketplace, encouraging start-ups and ending state monopoly, to increasing competition, improving services, and lowering costs for consumers. Additional areas of interest were migrating to IPv6, promoting openness and freedom of expression by ending censorship, promoting the rights of internet access for the youth and women, raising awareness about the benefits of the internet, and localisation by increasing access to local content.

Most interviewees hoped that the Arab IGF would continue and that many more national IGFs would be initiated in the region. They also stressed the importance of Yemen’s participation in as many of those events as possible, despite the ongoing conflict, since IGFs are valuable arenas to share experiences and plan ahead. It was noted that providing fellowships and other means of travel support to participants from Yemen would be needed due to the financial difficulties the country is going through.

Conclusion and action steps

The key conclusion we have reached through our interviews is that having a free space to discuss internet governance issues, such as a national IGF, should be a priority for Yemen because of the ongoing war. The internet is a key resource in Yemen that needs to be protected. At the very least, it is invaluable in its ability to bridge the information divide, and to raise global attention to the crisis in Yemen – a country which receives comparably less international media coverage, and less financial and humanitarian aid, than other countries in the region.

The best approach to assess the most effective ways that the internet can be used during such difficult times is for all stakeholders to participate in a national IGF to present their viewpoints on par with the government and work together to identify ways to move forward.

If the status quo continues, however, it is unlikely that the national IGF could take place any time soon, leaving the internet subject to abuse by the fighting parties, which would ultimately be the only stakeholders involved in the internet governance space.

To prevent this from happening, the following steps could be taken:

- Develop a template or best practice guide to aid relevant stakeholders in a country going through war or a state of emergency to organise its IGF with minimal risk.

³⁵ Interview with Amal Ramzi, 15 August 2017.

³⁶ Interview with Mishaal Thabet, 21 August 2017.

³⁷ Nachawati Rego, L. (2015, 22 December). The best and worst of the Arab IGF 2015. *Association for Progressive Communications*. <https://www.apc.org/en/blog/best-and-worst-arab-igf-2015>

- Support campaigns that raise awareness about the benefits of holding a national IGF, taking into account the tangible results from other IGFs in the region and internationally.
- Support participants from Yemen to engage more actively in regional and international IGFs, either in person or remotely, by providing incentives and fellowships if needed.
- Support projects on the ground in Yemen that aim at keeping the country connected to the internet. Those projects can be supported financially or logistically, for example, by providing satellite channels at reduced prices, or ensuring alternative means of communication via radio frequencies or dial-up in case of an internet shutdown.
- Empower actors who wish to improve regional IGFs such as the Arab IGF in becoming more inclusive and bottom-up, and avoiding the pitfalls of the past. At the same time, boost collaboration between IGF initiatives in the region to build on previous successes and learn from mistakes.
- Encourage technical and academic community members to participate more actively in IGF discussions, either by inviting them to events or getting them to collaborate with civil society on internet governance issues.

National and Regional Internet Governance Forum Initiatives (NRIs)

National and Regional Internet Governance Forum Initiatives (NRIs) are now widely recognised as a vital element of the Internet Governance Forum (IGF) process. In fact, they are seen to be the key to the sustainability and ongoing evolution of collaborative, inclusive and multistakeholder approaches to internet policy development and implementation.

A total of 54 reports on NRIs are gathered in this year's Global Information Society Watch (GISWatch). These include 40 country reports from contexts as diverse as the United States, the Democratic Republic of Congo, Bosnia and Herzegovina, Italy, Pakistan, the Republic of Korea and Colombia.

The country reports are rich in approach and style and highlight several challenges faced by activists organising and participating in national IGFs, including broadening stakeholder participation, capacity building, the unsettled role of governments, and impact.

Seven regional reports analyse the impact of regional IGFs, their evolution and challenges, and the risks they still need to take to shift governance to the next level, while seven thematic reports offer critical perspectives on NRIs as well as mapping initiatives globally.

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