



POLITICAL PROTOCOL

The Internet Governance Forum (IGF) is much more than a UN talking shop and has the potential to be a key political networking body, reckons **WOLFGANG KLEINWÄCHTER**, who reports from the 11th IGF in Guadalajara

The Internet Governance Forum (IGF) has matured. In December 2016, about 2,000 internet experts from governments, business, civil society, academic and technical communities met offline (and another 3,000 online) at the UN sponsored 11th IGF in Guadalajara, Mexico. More than 200 plenaries, workshops, talks, forums and meetings of coalitions discussed over one week nearly everything on today's internet governance agenda: from the management of critical internet resources and the follow-up of the IANA (Internet Assigned Numbers Authority) transition, to the relationship between internet governance and international trade agreements; and from cybersecurity to the digital economy, from the internet of things to artificial intelligence; and from human rights in the digital age to sustainable development and how to get the next billion people online. How did it get here – and what are the most important issues for 2017?

THE TUNIS COMPROMISE FROM 2005

The IGF was established by the UN World Summit on the Information Society (WSIS) in Tunis in 2005. In Tunis, the 193 governments of the UN member states could not agree on an 'internet council' and how to organise oversight over so-called critical internet resources. However, they agreed on what was seen in 2005 as 'low hanging fruit': The establishment of a multi-stakeholder discussion platform, the IGF.

The idea of such a discussion platform was pushed mainly by civil society groups from the early beginning of the WSIS process in 2002. The rationale behind the proposal was simple. Before decisions are taken in the unchartered waters of borderless

cyberspace, they need an enhanced understanding of the numerous interdependent, complex issues which take into consideration not only governmental positions but also perspectives, arguments and interests of all non-governmental stakeholders from the private sector, civil society and the technical community.

It was difficult to argue against such an approach. And for many governments this was just the way out to avoid a failure of the Tunis summit. The green light for the IGF was a 'cheap success', as expectations for real success of the IGF were rather low. Many observers called it nothing more than another UN talking shop.

For governments the real issue was how the core of the internet – protocols, IP addresses, root servers and domain names – are managed. But in 2005, an agreement was out of reach. Back then, ICANN (Internet Corporation for Assigned Names and Numbers), which manages the internet domain name system (DNS), operated under two contracts with the US government. Many governments wanted to substitute such a unilateral oversight by the establishment of a multilateral intergovernmental oversight mechanism. Other governments disagreed. In their eyes governmental control over the internet was a bad idea. They preferred that the technical internet resources are better managed by the multi-stakeholder internet community.

Furthermore, the US government argued that its stewardship role over ICANN was not control of the internet, just a result of the internet being invented in the US. And it indicated that sooner or later it would terminate its special stewardship role. The good thing was that this disagreement did not block a compromise. ➔

◀ The argument, that the complexity of the internet needs the involvement of all stakeholders, including the private sector, civil society and the technical community, prevailed. The IGF was seen as the right instrument to promote such a multi-stakeholder discussion to bring more enlightenment into this complexity, to enhance communication and collaboration among all stakeholders, and to pave the way for decisions, where needed, in governmental or non-governmental bodies which have a related mandate.

Now, ten years later, the situation has changed and history has proved that the Tunis summit made the right decisions. The IGF is one of the most important annual gatherings of internet experts around the globe. In December 2015, the high level WSIS+10 meeting of the UN General Assembly extended the mandate of the IGF until 2025. For many internet related issues, the IGF is the best place to kick start a discussion or to organise pressure on decision-making bodies to find solutions for emerging issues.

A good example is ICANN: the management of critical internet resources was on the agenda since the 2nd IGF in 2007, and the IGF paved the way for the final transition of the US stewardship role that was completed in September 2016.

And the multi-stakeholder model itself – which was in 2005 a rather unclear invitation for a new political experiment – is now more accepted as the best approach to discuss and find solutions for the growing number of internet related technical and public policy issues. Documents adopted by leaders at the G7 (Ise-Shima, Japan, May 2016) and the G20 (Hangzhou, China, September 2016) include paragraphs of support for the multi-stakeholder approach to internet governance.

TRADE AND IOT IN GUADALAJARA

The 11th IGF in Guadalajara – and in particular the session on the relationship between internet governance and trade negotiations – was a good demonstration of the value of multi-stakeholder dialogue. Nobody disagrees that trade, and in particular e-trade, is a key element of the digital economy: arrangements among nations are needed. But so far, internet negotiations and trade negotiations are based on two very distinct political cultures. Internet governance discussions are based on open, transparent, bottom-up processes where all stakeholders are involved and on an equal footing. Trade negotiations take place among governments behind closed doors, with big private sector players in a strong lobbying position.

For many speakers in Guadalajara, the failure of the Anti-Counterfeiting Trade Agreement (ACTA), the Trans-Pacific Partnership (TPP) or the Trans-Atlantic Trade and Investment Partnership (TTIP) is the result of this clash of cultures. The good thing in Guadalajara was that all stakeholders – governmental trade negotiators and their opponents from consumer protection organisations, business people and technical experts – had a chance to present their views and expectations, and everybody was listening to everybody. Such openness is key to identifying



The failure of trade agreements is the result of a clash of cultures.



areas of common interest and to find solutions which balance legitimate but conflicting interests in a way that all parties can live with. The discussion helped to broaden the understanding of such complexity.

Certainly, multi-stakeholder processes are more difficult and often take more time. But among the participants in Guadalajara one could observe also a growing recognition that such an inclusive process will enhance the opportunities to find sustainable solutions in the interest of all parties, in particular in the difficult area of trade. And note that in World Trade Organization (WTO) negotiations, governments have not shown they can achieve faster results if they negotiate among themselves in a silo. The Doha trade round is without any concrete outcome after nearly 20 years.

This example is a good hint as to why the IGF is needed and why it does not need a mandate to do negotiations itself. It is obvious that there is a need for a new round on global trade negotiations. And at the end of the day, it will be governments that will have to make the final decisions on signing and ratifying treaties. But the open multi-stakeholder discussions – as those in the IGF – enable the governmental experts at the negotiation table to understand better the various perspectives of the conflicting parties, which will help them to find the right compromises to get a sustainable outcome. And it allows the non-governmental stakeholders to raise their voice and articulate special interests in a serious UN-sponsored environment.

Another example was the discussion about the internet of things (IoT). Since 2008, the multi-stakeholder IGF Dynamic Coalition on Internet of Things (DC-IoT) has been examining a number of IoT-related issues, including governance, privacy and security. When the coalition was established during the 3rd IGF in Hyderabad, India, IoT was still an emerging issue. Now it is at the centre of the global internet debate. In Guadalajara, the DC-IoT meeting presented perspectives from governments (European Commission, NTIA of the US Department of Commerce, ITU-T study group 20), from the technical community (IETF, ISOC), the private sector (ICC Basis, Google) and civil society groups which raised, among other topics, the need to understand more about the ethical implications of new IoT services and devices.

This meeting did not produce any concrete outcomes. But the questions raised in the discussion were wake-up calls for everybody in the crowded room not to remain in their stakeholder or sectoral silo, where IoT issues are discussed only in their inner circles of experts, but instead to talk to other stakeholders and sectors to exchange best practices and learn from how to benefit from new IoT opportunities by keeping the security and privacy risks under control.

A GRAND DESIGN FOR THE AGENDA

So the IGF has matured into a discussion platform which helps to formulate an agenda and which, in an internet world where the list of new and open issues is growing on a weekly basis, is value in itself. Certainly it is impossible to summarise the Guadalajara outcome in a few words. But one can put the dozens of questions raised during the six days into four big ‘baskets’ that allow a more holistic approach to the internet governance debates of the future (see panel, p39). This helps to identify areas where informal or formal agreements among stakeholders (including intergovernmental treaties) are needed and who should continue the discussion, and where and how.

LOOKING AHEAD: EVERYTHING IS LINKED TO EVERYTHING

The 11th IGF in Guadalajara has helped to structure the internet governance agenda for 2017 and beyond. But it also has helped to open our eyes to understand better that in the internet world everything is connected to everything. That means that neither cybersecurity issues

FOUR 'BASKETS' FOR INTERNET GOVERNANCE

BASKET 1: CYBERSECURITY

All the new threats to national security – the risk of cyberwars, the emergence of cyberweapons, cyberespionage, the fight against cyberterrorism and cybercrime – will dominate the internet discussion in the years ahead. The IGF will not be the place where solutions will be negotiated. But to understand all the new challenges for cybersecurity, it will not be enough if government experts alone try to agree on new intergovernmental treaties. They will need the cooperation of the technical community and the private sector, as the case between the FBI and Apple has demonstrated recently (over access to the iPhone used by a shooter in last year's San Bernardino attacks). Civil society has also to be part of the discussion.

If governments ignore the interests of billions of internet users, any intergovernmental cybersecurity agreement risks failure, as we have seen with the trade agreements.

The body which has emerged over the last years with the highest authority for global cybersecurity issues is the Group of Governmental Experts (GGE) which operates under the First Committee of the UN General Assembly, and which is probably the best place to produce concrete outcomes. The UN GGE is a purely intergovernmental mechanism. But it would be wise for it to listen carefully to the IGF and other multi-stakeholder discussions and to take reasonable ideas and arguments, which represents legitimate interests and perspectives from non-governmental stakeholders, on board.

BASKET 2: DIGITAL ECONOMY

The digital economy is the driver of the global economy. There is no way back into the pre-internet age. A key aspect, as mentioned above, is certainly trade. But the future of the digital economy goes beyond e-trade. It includes, as the recent OECD ministerial meeting in Cancun in June 2016 has stated, e-skills, e-jobs,

'industry 4.0' and many other aspects.

At the G20 Hangzhou summit meeting in September 2016, the leaders of the 20 largest nations adopted a 'global digital economy development and cooperation initiative'. This is ill-defined and in its early stage. But as it is linked to the recommendations of the OECD Cancun conference, it has great potential to help countries to define a national digital economy strategy and to identify new areas for global digital cooperation.

Germany now has the G20 presidency for 2017. The G20 summit is planned for July 2017 in Hamburg, but in April there will be a special meeting of ministers responsible for the digital economy. And the day before the ministerial meeting, a multi-stakeholder conference is planned to involve non-governmental stakeholders in the future debate about the digital economy.

As in the cybersecurity field, the IGF will certainly not become the negotiation body for the global digital economy – the G20 and OECD are intergovernmental bodies and have legitimacy and authority to translate discussions into decisions. But as the OECD in Cancun has demonstrated, the involvement of non-governmental stakeholders, organised in the OECD's advisory committees on business (BIAC), trade unions (TUAC), the technical community (TAC) and civil society (CISAC), was very useful in formulating the Cancun declaration and to design strategies for areas such as e-skills and e-jobs. The G20 can certainly benefit from this experience and the IGF offers a great opportunity to broaden and deepen the debate.

BASKET 3: HUMAN RIGHTS

The issue of how human rights are protected in the digital age has been on the IGF agenda since 2006. A couple of years ago the IGF Dynamic Coalition on Rights and Principles produced a document that defined a number of new digital norms, and there are projects such

as the Brazilian Marco Civil and the Italian Bill of Internet Rights. In Guadalajara, a German initiative for a new European Union charter of digital fundamental rights was presented (see digitalcharta.eu).

The discussion on human rights in the digital age at the IGF has helped to clarify at least two things:

- Individuals have the same rights online as they do offline
- There is no need to invent new human rights but there is a need to enhance our understanding of existing rights.

A big step forward was the adoption of the Universal Declaration of Internet Governance Principles at the Netmundial conference in São Paulo in April 2014. What is needed now is to make sure that these principles are implemented. But there are also international bodies that can translate the IGF discussion and the Netmundial principles into more concrete action. The UN Human Rights Council with its special rapporteurs on freedom of expression and privacy in the digital age, is a strong intergovernmental body which has opened itself gradually to more involvement of non-governmental stakeholders, using the IGF debate as a source of inspiration.

BASKET 4: TECHNOLOGY

The internet itself is a technical innovation. But there are so many innovative products, devices and services on top of the internet and its domain name system, such that technological development has become an issue in itself. Cloud computing, IoT and artificial intelligence have moved to the centre of today's discussion, and there will be new ones tomorrow.

To have a place where such emerging issues can be discussed in a multi-stakeholder environment is important. The IGF can function here as an early warning system where both the opportunities of new technologies and their risks and threats can be discussed.

nor issues related to the digital economy or human rights can be discussed in isolation any more. To take just one example, IoT is now a key point for the digital economy. If we move from driverless cars to driverless tanks, it is an issue in the cybersecurity debate. And IoT will also have a massive impact on our individual privacy.

We have to design global discussion and negotiations with a mechanism that reflects these

linkages. But this needs innovation in policymaking. The internet, as we know, is a network of networks, connected via universal protocols. What we need in the policy field is a similar network of networks where the various bodies and platforms are interlinked by a similar 'political protocol'.

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