

Reform of the Internet Governance Forum

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It may seem premature to be talking about reform of the Internet Governance Forum when it hasn't even yet completed its first meeting. But there are three reasons why it is important to look at reform now rather than later.

First, the timescale for organisation of the first meeting was very short, and this understandably resulted in a number of decisions being made without adequate transparency or consultation.

Second, it was never intended that those decisions should become set in stone. Paragraph 73 of the Tunis Agenda states that the IGF should "have a lightweight and decentralised structure that would be subject to periodic review".

Third, if we do not act now to put into place the structures and processes that should carry the IGF into the future, then it may become calcified around its provisional structure and processes.

So what are the problems with the IGF as it stands, that we would be looking to address by reforming it? They can be categorised into problems of legitimacy and effectiveness.

The issue of legitimacy is a complex one, and I don't have time to go into it in detail here, but the nub of it is very simple and easily understood. Namely, a multi-stakeholder forum such as the IGF cannot be legitimately governed by just one stakeholder group.

That is what has happened so far, in that the United Nations has directed the structure and processes of the IGF, and the UN is an intergovernmental organisation, which does not represent civil society or the private sector.

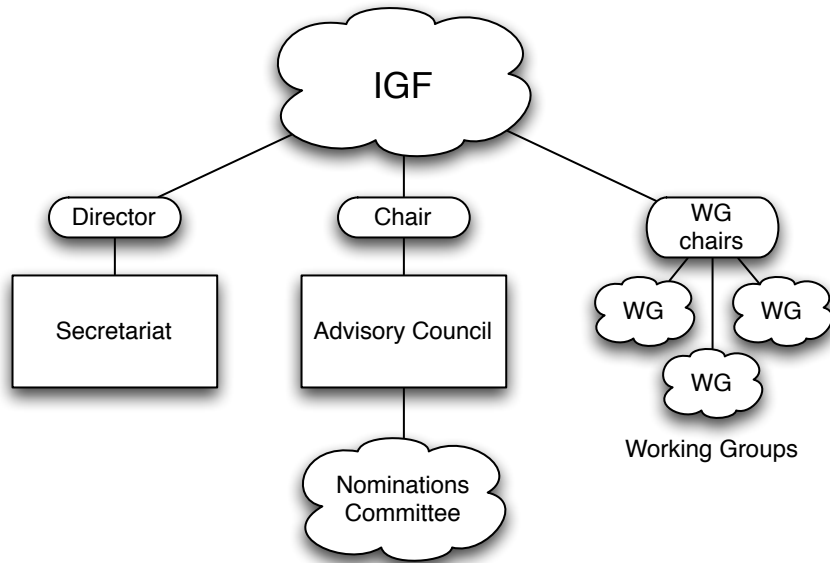
How has the UN been in control? Firstly through the actions of its appointed Secretariat, and secondly through its appointment of the Advisory Council. In both of these respects transparency and accountability to other stakeholders have been lacking.

For example, although it made an open call for nominations to the Advisory Council, the Secretariat also privately solicited nominations from stakeholders and stakeholder groups that it selected. The list of nominees and the criteria by which they were assessed was not made public. Since the Council's formation, the lack of transparency has continued, for example in that its discussions have taken place behind closed doors and on a secret mailing list.

Apart from its legitimacy, the second limitation of the provisional structure of the IGF is its effectiveness. This is limited by the format of the first meeting,

which is that of a United Nations conference rather than that of a deliberative body. In the future, the IGF may wish to be able to agree on non-binding soft law documents such as codes or resolutions. At the moment, no mechanism is provided for stakeholders to collaborate on such documents, let alone to agree to them.

So what needs to be done to address these problems of legitimacy and effectiveness? Here's an organisation chart that provides some ideas.



There are five main institutions represented here. The IGF means the forum sitting in plenary, as it does in the main sessions at Athens. The Secretariat and the Advisory Council exist already, though they will need to undertake some changes that I'll make reference to shortly. But we'll spend most time looking at the two new institutions that I propose; the Working Groups, and the Nominations Committee.

The Working Groups will be composed of any members of the IGF who wish to focus on a particular issue area. This is similar to what workshops do now, but workshops aren't designed to exist for the long-term, nor necessarily to produce any tangible output. Working Groups will, and they will need to structure themselves to facilitate that, by appointing a chair and establishing facilities to work together on-line as well as at annual IGF meetings.

The Nominations Committee on the other hand has the sole purpose of deciding who should be appointed to the Advisory Council, appointing them for two-year terms. Any member of the IGF who wishes to volunteer to work on the Nominations Committee should be permitted to do so.

You will notice that the IGF is not at the bottom of the chart but at the top. This is because the IGF as a whole should have the final say on any decisions

made by its subsidiary bodies, such as the decision of the Advisory Council to approve a new Working Group, or the proposal of a Working Group to put forward a particular code or resolution.

Now it is true that the IGF as a whole does not have a defined membership, and that is represented by the cloud-like shape in the diagram. It is for that reason that both the IGF, the Working Groups, and the Nominations Committee, should make decisions by consensus rather than by voting. This is because consensus does not require proportionally equal representation among the stakeholder groups.

In fact many bodies already involved in Internet governance, including the Internet Engineering Taskforce (IETF) and the World Wide Web Consortium (W3C) operate in a very similar manner; the IETF using the phrase “rough consensus” to denote that unanimity is not required.

The Advisory Council is a little different. Because the Nominations Committee can ensure that there is equal representation on the Council from each of the stakeholder groups, it can fall back to voting if it is unable to reach consensus. However aiming for consensus is still important to ensure that the various stakeholder groups do actively collaborate rather than just pursuing their own narrow interests.

Having a multi-stakeholder Nominations Committee determine the composition of the Advisory Council will also allow us to make it smaller and more efficient, because its legitimacy is not derived from a claim to be representative on its own account, but rather from the consensus of all stakeholders. Being accountable to the Nominations Committee, and thence to the IGF at large, will also force the Advisory Council to make its operations more transparent, bringing its discussions out from behind closed doors and private mailing lists.

Apart from the five main institutions that I have mentioned, there are also three that I haven't: the Director of the Secretariat, the Chair of the Advisory Council and the Chairs of the Working Groups. As I see it the Director of the Secretariat should be elected by the Advisory Council, to ensure that the position carries with it a degree of accountability. As for the Advisory Council and the Working Groups, they should select their own Chairs, and indeed Working Groups should be able to agree upon any other internal hierarchies or procedures that suit their desired mode of operation, provided that these are subject to review.

The structure and processes that I've briefly outlined are by no means radical, yet they will address the limitations on the legitimacy and effectiveness of the IGF in its present form. They are based on a model that has been successfully employed by numerous other organisations including several key players in Internet governance. Without adopting reforms like these, the IGF will struggle to gain the trust of the Internet community and the buy-in of all stakeholders. Or by taking this initiative now, the IGF can prove itself to be an open and accountable framework for the collaborative development of Internet-related public policy, and in due course become a central institution of Internet governance.