

Information and participation in internet governance - a summary note on the second phase of work by the Council of Europe, UNECE and APC.

Background

Information and participation are central to multistakeholder involvement in internet governance. In 2008, the Council of Europe, UNECE and APC began a project to review the information and participation arrangements of different internet governance actors and to assess the scope for guidelines or a voluntary code of practice that could extend information and enhance participation as internet governance decisions become more and more important, both for the internet itself and for the rest of public policy.

The first phase of this project explored the scope for developing common principles of information and participation that might provide the basis for such guidelines. It was reported to the Hyderabad IGF during a workshop with participation from ISOC, ICANN, NRO and other interested parties. The first phase report emphasised:

1. the need, in thinking about possible principles and best practices, to draw on the experience and established practice of core internet governance entities; and
2. the need to facilitate cohesion between the internet's technical governance and the governance of those areas of social and economic life in which it plays an increasingly important part.

Following this workshop, the second phase of work has concentrated on mapping the information and participation ethos and practice of major internet governance actors, to establish where these share a common approach, where there are differences between them, the challenges to existing practice as the internet becomes more and more widespread, and the relationship between "narrow" internet governance, which is concerned with governance of the internet itself, and "broad" internet governance, which is concerned with interfaces between the internet and other areas of public policy.

The conclusions from this second phase of work are described in a second report from the project, which has been published in the run-up to the May 2009 IGF consultation meeting. This note briefly summarises those conclusions.

Analysis

The report reviews the governance, information and participation practices of twelve "entities" which are primarily or extensively concerned with internet governance. These are:

- the Internet Corporation for Assigned Names and Numbers (ICANN)
- the Internet Engineering Task Force (IETF)
- the Internet Governance Forum (IGF)
- the Internet Society (ISOC)
- the Telecommunication Standardisation Bureau (ITU-T) of the International Telecommunication Union (ITU)
- the Number Resource Organisation (NRO) and the five Regional Internet Registries (RIRs) - AfriNIC, ALIN, APNIC, LACNIC and RIPE-NCC
- and the World Wide Web Consortium (W3C).

It includes assessments of the similarities among and differences between them in five main areas:

- their governance characteristics and roles;
- their membership and representational arrangements;
- their overall ethos for decision-making and engagement (*i.e.* the thinking and approach which they adopt to information and participation generally);
- their arrangements for information access;
- and their arrangements for participation in decision-making.

Assessments for each of the internet governance actors concerned are set out in a tabular annex and analysed in depth in the main text of the report. These are concerned with the stated ethos and assessments of the twelve "entities", *i.e.* with the approaches which they aim to implement and the degrees of transparency and engagement which they seek to achieve through their arrangements for information and participation. The project has not, at this stage, sought to compare the arrangements in principle with the actual experiences of participants and potential participants, although attention has been paid to comments and discussions about these experiences.

The analysis in the report can be summarised as follows:

1. Most of the internet governance entities which have been reviewed, and most which are concerned with "narrow" internet governance, *i.e.* governance of the internet, have evolved from experience within the internet technical or professional community. The collaborative nature of early internet experience has left its legacy in the governance characteristics and ethos of these "narrow" internet governance entities, in particular the very limited role which is played by governments and the high value which is generally placed within them on open participation, voluntarism and consensus.
2. This differentiates most "narrow" internet governance entities from experience in most other areas of international governance, in which governments play a predominant role and in which information for and participation by the wider community, including affected stakeholders, is much less well provided. The ITU-T is the only internet governance entity reviewed in the report which has emerged from this more conventional governance tradition. Its experience is, however, much more representative of the non-internet entities which are concerned with "broad" internet governance, *i.e.* with the intersections between the internet and other areas of public policy. This includes bodies of considerable importance for the internet, such as WIPO.
3. All internet governance entities (like other organisations) seek to represent the interests and resolve the concerns of their "core communities". These core communities may be made up of specialist groups (such as the RIRs within the NRO) or be quite large and diverse (such as ISOC's broad membership of internet professionals); and may be (but are not always) reflected in membership arrangements (the IETF and IGF, notably, have no formal membership). Beyond their core communities, many of these entities express a broader commitment to the interests of the internet or the internet community as a whole, which is reflected in wider and more open participation arrangements.
4. The ethos and practice of many "narrow" internet governance bodies share a number of common characteristics. Although there are significant variations between entities, these can be summarised as follows:

- i. All information which is relevant to the entity and its work should, in all normal circumstances, be publicly available online.
- ii. Internet policy and standards development should be open, transparent and inclusive.
- iii. Participation in the internet's development should be open to all who have an interest in the internet and who wish to participate, irrespective of (stakeholder or other) status.
- iv. Anyone should be able to initiate ideas for policy or standards development.
- v. Once ideas have been initiated, they belong to the community/entity rather than to their originators.
- vi. Their further development should be collaborative, and should take place online and (if necessary or if required by the entity's own rules) in meetings which are open to all-comers.
- vii. Adoption of new policies and standards should be based on consensus rather than majority decisions.

These characteristics can be found, to a greater or lesser degree, in all of the "narrow" internet governance bodies reviewed for the report, irrespective of whether their membership arrangements are very open (IETF, ISOC, IGF) or more restricted (NRO, some RIRs, W3C). Most are not, however, shared by ITU-T, which emerges from a different governance tradition - although there is some shared experience in some areas (notably vi - collaboration and online working - and vii - a preference for consensus). They therefore provide one basis for comparison between internet and non-internet governance bodies, and for thinking about a possible set of guidelines for information and participation practice.

Challenges

The report goes on to identify eight significant tensions and challenges to information and participation practice which are posed by the changing nature of the internet, in particular the growth of participation and the increasing extent to which the internet affects other public policy arenas. These challenges are discussed in some depth, but are summarised here in the form of questions for discussion between the project and the internet governance community. They are as follows:

- *Ethos, practice and experience.* To what extent do the stated ethos and practice principles described above represent the real experience of participants and would-be participants in internet governance activities of the "entities" concerned?
- *Professional and user communities.* How successful are existing arrangements in accommodating the needs and desired outcomes of both a) internet professionals who are primarily concerned with the functioning of the internet itself, and b) the wider community of governments, businesses and citizens who are more concerned with the impact of the internet within society?
- *Technical and policy issues.* Associated with this, should technical decisions concerning internet governance be taken on the basis of internet functionality alone, or should consideration of them also include non-technical implications such as their potential impact on access or the environment? If so, how?

- *Transparency and inclusiveness.* Is the transparency which is widespread in internet governance - the availability of decision-making materials for public inspection and observation - sufficient to make internet governance "inclusive"? In particular, do internet governance bodies effectively reach out within and beyond their core communities and encourage understanding and engagement from them?
- *Information access.* Do internet governance bodies understand sufficiently the information needs of participants and would-be participants? In particular, do they recognise that non-specialist participants require accessible, upto-date navigational tools and issue synopses as well – and not just access to "all available information" - if they are to play a meaningful role in decision-making processes?
- *Participation.* Do internet governance bodies understand sufficiently the participation needs of participants and would-be participants? In particular, does the ethos of decision-making welcome new participants and encourage those with less expertise or non-technical concerns to play a part within decision-making?
- *Internet and wider public policy issues and organisations.* Can the information and participation approaches which the internet community has developed for its technical work be extended into the "broad" internet governance arena, where the internet intersects with other public policy issues and organisations which have different governance traditions? Are these approaches equally appropriate in such arenas? How can the different traditions be brought together where decisions need to be taken which work both in the internet and in the wider public policy world?
- *Consensus.* Is the internet's emphasis on consensus as the primary instrument of decision-making in technical areas equally suitable for making policy decisions?

Principles

The report suggests that these questions could form the basis for discussion about appropriate principles for information and participation in the internet. Such a discussion might explore comparisons between the internet's information and participation ethos (the seven points listed in point 4 under "Analysis" above) and the UNECE Aarhus Convention, which sets out information and participation rights in environmental governance.

The report also draws attention again to eight suggested starting points for thinking about information and participation which were put forward in the project's earlier report to the Hyderabad IGF. These are as follows:

- i. *All those who consider themselves to be concerned about internet governance issues - whether in general or specific - should be able to express their views within policy processes.*
- ii. *Information which is used in internet governance should be made publicly available and readily accessible.*
- iii. *Internet governance agencies should actively facilitate access to information and foster knowledge within the wider community about the issues with which they are concerned and the decisions which are being made.*

- iv. *Internet governance processes should enable and encourage those who are concerned about internet issues to contribute to policy debate, with the expectation that their views will be properly considered.*
- v. *Opportunities to participate in internet governance processes should be widely publicised.*
- vi. *Participation in internet governance processes should be monitored and evaluated, with a view to improving inclusiveness, the quality and timeliness of decision-making and the cohesiveness of internet development..*
- vii. *These principles are intended and should be used to improve the quality of internet governance and should not be used to delay timely decisions from being taken.*
- viii. *These are default principles. Any exceptions to them which are required should be subject to open discussion and public explanation.*

Next steps

Finally, the report suggests six next steps which might be taken in its work leading up to the Sharm el-Sheikh meeting of the IGF in November 2009. These are as follows:

- a. Discussion on principles and possible guidelines with internet governance entities - either on a bilateral basis or through an informal online working group.
- b. Review of participant experience - to assess how those who are engaged with internet governance bodies compare their experience of information and participation with those bodies' stated ethos and practice.
- c. Mapping of exemplar national internet governance environments - to compare national decision-making contexts with the global and world-regional environments in this report.
- d. Clarification of stakeholder group identities and requirements - through a questionnaire addressed to a set of stakeholder samples.

In the longer term, the report also suggests that the project might take the following additional steps.

- e. General mapping of the wider internet governance field.
- f. Assessment of the scope for clearing-house and new information resources - which would help participants who are not concerned full-time with the internet or internet governance to contribute more effectively to decisions which affect the internet's future development and its role in wider public policy.