IGF 2012: The good, the bad and the ugly

Reflections from the Association for Progressive Communications on the 7th Internet Governance Forum, Baku, Azerbaijan, 6-9 November 2012
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1. Preamble

The Nairobi IGF was a hard act to follow. Sub-Sahara Africa's first hosting of the event was the largest to date. The coffee was good (and readily available) and the IBSA (India Brazil South Africa) proposals for establishing a new 'internet oversight' body within the UN system demonstrated the value of the IGF as a space for multi-stakeholder debate on challenging and controversial internet governance issues.

The seventh annual Internet Governance Forum (IGF) was held in Baku, Azerbaijan from 6 to 9 November 2012. Baku is a magical and strange city, a mix of old and new, light and dark; the capital of a State trying to make its mark on the global stage, but acting with fear and defensiveness toward critical voices from within. Perhaps the overriding contribution of IGF 2012 is that it affirmed the importance of freedom of expression offline and online. The tension that arose around the distribution of materials critical of the host government served as reminder that the format of the IGF has not lost its innovative and experimental edge; that it challenges its hosts, participants, and the UN system in valuable ways.

Below we outline a selection of "the good", "the bad" and "the ugly" of IGF 2012 made by APC members, staff and associates. We also include some constructive input for IGF 2013.

2. The Good

After seven years of evolving there is visible improvement in the IGF as a platform for multi-stakeholder debate, interaction and collaboration on internet policy. Vigorous debate is not seen as a threat, neither to the continuation of the IGF itself, nor to building of solutions.

2.1 Making local issues visible

The Baku IGF provided the opportunity highlight the concerns of local human rights defenders. But it also risked exposing them to reprisal. APC commissioned a report on the state of internet access and freedom in Azerbaijan[1] and contributed to a civil

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1   "The struggle for internet freedom in Azerbaijan" by Vugar Gojayev Vugar, GISWatch, 2011.
     http://www.giswatch.org/en/country-report/internet-rights/struggle-internet-freedom-azerbaijan

society submission to the country's upcoming (April 2013) review by the Human Rights Council's (HRC) Universal Periodic Review process[2]. During the IGF, Azeri human rights activists shared their experiences in workshops and distributed information in collaboration with some of the international civil society organisations who were registered exhibitors. Removal of this material and the manner of its distribution on the basis of being in violation of UN rules was unfortunate, but it helped raise awareness of the concerns of journalists and human rights defenders working in Azerbaijan. By the end of the IGF many local activists were pleased that the IGF had happened.[3]

2.2 Good quality dialogue

The wealth of topics and depth of discussion was impressive. Even main sessions - always challenging as the format is less interactive - were mostly characterised by on-topic, refreshing and well framed interventions. Discussions of multi-stakeholder processes delved into their complexity and flaws without departing from apparent consensus that they result in better policy and more sustainable outcomes.

APC, ISOC and ICC Basis organised a pre-event, "From deadlock to dialogue" on 5 November to provide space for interactive discussion - rather than just presentation of a series of statements which was the format of a consultation convened by the Commission for Science and Technology for Development (CSTD) earlier in the year - on 'enhanced cooperation'[4]. Giving protagonists of opposing positions the opportunity to talk to one another created more understanding and respect. It also created more openness towards the proposal to establish a working group on enhanced cooperation within the CSTD. APC believes firmly that the IGF is the most legitimate and effective space for such discussions.

2.3 Human rights highlights

In July 2012 at its 20th session the Human Rights Council passed a milestone resolution on "The promotion, protection and enjoyment of human rights on the Internet"[5] affirming "that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights". The resolution recognises "the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms." It is therefore not surprising that human rights featured prominently in IGF 2012. The technical community and the private sector joined civil society actors in using human rights language to frame many of their interventions. Of the 127 workshops, main sessions, dynamic coalitions, side sessions, open fora, sessions on capacity building and others, 82[6] addressed some aspect of human rights on the internet. Recurrent themes included privacy, freedom of expression, access to

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2   https://www.apc.org/en/news/azerbaijan-coalition-submission-un-universal-perio-0
3   Sadly they might not feel that way any longer. It is distressing that several of the bloggers and journalists who participated in the IGF were recently targeted in a crackdown following protests against police violence in Baku. It is unfortunately not possible to rule out that decisions on who to detain may have been influenced by the prominence of these individuals at the IGF as a form of 'punishment'. The latest worrisome move is the establishment by Azerbaijan authorities on 14 February 2013 of a c \\\ommission under the government-affiliated National Press Council to handle complaints about ethical violations and hacker attacks on websites which could become a mechanisms for restricting political speech.
4   'Enhanced cooperation' is usually, but not exclusively understood as increased involvement for governments in internet decision-making
5   http://daccess-ods.un.org/TMP/4467203.91511917.html
6   Based on a keyword analysis of the transcript of workshops and main sessions.

information, data rights, cyber security, and internet intermediary liability.

The Human Rights Round Table on the last day worked very well as a mechanism for consolidating discussion and feeding into the 'Taking Stock' session. A number HR of themes stood out:

- A more direct and positive engagement with rights topics by the private sector and technical community, stakeholder groups which have tended to resist an explicit focus on human rights during previous IGFs.
- An emerging multi-stakeholder way of thinking about human rights and the internet that brings in business, civil society, citizens and users, government, and the technical community that challenges current human rights paradigms (which are generally state focused) in positive ways.
- The apparent tension between privacy and security when dealing with cybercrime. Surveillance and data protection were recurrent topics.
- Some deep conceptual debates remain, such as on cross border jurisdiction and the rule of law online.
- The need for transparent regulatory oversight and mechanisms to address consumer complaints. Data ownership and privacy are major issues in this area. Consumer rights are different from human rights but in the context of internet governance their intersection poses new challenges.
- The range of HR issues remains relatively narrowly focused on civil and political rights. The rights of people who are excluded from benefiting from the internet because they are poor, or marginalised in some other way, needs more attention.
- Best practices and legal frameworks informed by respect for human rights, particularly in the light of increasing restrictions on freedom of expression, and new liabilities for internet intermediaries.
- Despite the fundamental role of governments in respecting and protecting human rights only a few participated actively in rights discussions. IGF 2013 should encourage broader engagement by governments on rights. There is no better place to explore the implications of the HRC 2012 resolution that existing human rights agreements apply as much on the internet as they do offline.

A particularly striking IGF moment occurred in a workshop addressed by Commissioner Neelie Kroes. In her talk she mentioned the Azeri journalist, Eynulla Fatullayev, who had won the UNESCO world Press Freedom Prize. When someone pointed out that he was in the room, she immediately went over and gave him a big hug. This is the sort of serendipity that can occur only at an open, inclusive event where many different stakeholders are present. It represents much of what if good about the IGF, and is one of the shining moments of the Baku IGF.

2.4 Getting to grips with gender?

For the first time at an IGF, gender and women's empowerment was included as main session sub-topic (Access and Diversity). This meant that internet development, infrastructure, opportunities and barriers to access and how they relate to and impact on women's diverse realities and human rights could be raised and discussed as one of the central issues in internet governance.

The Gender Report card piloted by APC in the 2011 IGF was formally taken up by the MAG and included as part of the reporting process for workshop organisers. This both sends a clear message that gender concerns and women's participation are taken

seriously in the IGF process, as well as provide a methodology for measuring progress in subsequent IGFs.

2.5 New faces and voices

There was an exciting mix of old and new faces at this IGF. As a result there were also new perspectives as many of the first time participants brought expertise and experience that enriched and surprised. There appeared to be more young people. There also appeared to be greater participation of women, as well as greater visibility of LGBT participants and participants with visible disabilities. Locating the event in Azerbaijan meant there were more people from Central Asia, a region not well-represented at previous IGFs.

A highlight was the inclusion of open government as a topic and the participation of another multi-stakeholder process, the Open Government Partnership.

2.6 Pre-events and meetings

These add a lot value. APC participated in the 'Best Bits' meeting of civil society organisations involved in internet governance and found extremely valuable. So was the pre-event on 'enhanced cooperation' mentioned above as well as pre-events focused on the situation of journalists and blogger in Azerbaijan.

3. The Bad

There were too many workshops and too many of with overlapping topics. Some workshops lacked developing country voices, and while there was more meaningful discussion of human rights, the range of rights could be broader. Little attention is given to the rights of women[7], to online freedom of association, or to the balancing of rights different rights and dealing with rights that might appear to conflict with one another.

Only one workshop that dealt with gender issues specifically, and speakers in main sessions and workshops were still mostly male. When we look closely, it is apparent that the issues relevant to gender at the IGF cover just about everything that the IGF does. Gender should become a cross cutting thread that is recognized as important, alongside the currently accepted cross-cutting themes of capacity building and development. One suggestion was to replicate the Human Rights Roundtable approach and to organise a Gender roundtable at IGF 2013.

There were also other gender-biased conventions/norms at the IGF that organisers and participants need to be more aware of and address. For example, observers felt that women participants who contributed to discussions were cut off by the chair more frequently than men. Another simple example was transcribers referring to session chairs as a "chairman" instead of "chairperson".

Facilities and logistics were the most visible weakness of the IGF 2012. Examples that should not replicated at future IGFs include:
* Shuttles schedules were not well coordinated. It resulted in very early arrivals to the venue and/or delays. Some hotels that were advertised as being on the shuttle route turned out not to be.
* Lunch ran out every day and hundreds of people missed lunch. There were no alternative facilities and services near the venue.

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7   http://www.genderit.org/edition/IGF2012

- A severe shortage of hot beverages. Delegates (many battling jet lag) at an intense event such as the IGF need ready access to coffee and tea.
- Connectivity was poor and unstable. Connections either did not work at all or only for short periods and constantly kept dropping. Twice the entire network went down. The result was that it was extremely difficult for people to tweet and to send timely feedback and updates, particularly for the ones not attending the IGF in person. It hampered remote participation.
- Shortage of headsets in popular workshops and lack of flexibility from personnel in instances where delegates (and panellists) had lost their 'official' headset registration card.
- The quality of transcription/stenography was often weak.
- Venue staff were often unwilling to pass roving microphones around the room when needed.
- There were no resting or networking spaces in the venue aside from a very small number of seats in the exhibition space

4. The Ugly

- The attempted removal by UN officials of materials distributed by Azeri civil society, researchers and activists. We understand that there are UN rules, but these rules are not always understood by all; a situation not helped by the fact that they don't appear to be available in writing. Nevertheless, the UN does need to consider that the IGF is different and it should respond to the distribution of materials critical of Member States with more understanding and flexibility. Member States should refrain from using their status to put pressure on UN personnel to remove such materials. Not allowing the free flow of information at an IGF is contrary to its mandate.
- Restrictions on the participation of local people. For example, the many students who worked as volunteers were not allowed to attend any of the workshops out of interest, nor were they invited to the gala dinner. Incidents of Azeri security officials monitoring and intimidating Azeri participants were reported.
- Hijacking of the closing panel by host government propaganda.

5. Recommendations for IGF 2013

5.1 Participation

Indonesian civil society should be encouraged to participate: We urge the host government to encourage critical debate about national internet policies. Indonesia does practice some censorship of the internet, as do many other governments, including some in Europe and North America. The role of the IGF is for different actors to voice their views, and explain the perspectives and concerns which lead to, on the one hand, censorship, and on the other hand, opposition to it.

We urge the MAG to apply the workshop selection criteria on developing country participation to ensure that developing countries are represented among the workshop proponents and speakers.

5.2 Programme

Open sessions/white spaces: The MAG should consider building in some open slots into the programme which can be used for networking or unscheduled sessions.

Reduce number of workshops: The MAG should (1) aim to reduce the overall number of workshops and (2) prevent related events from running in parallel. Workshops are a way of bringing people to the IGF and building community ownership and therefore limiting them has to be done with care; but it does need to be done. Enforcing existing selection criteria is a good place to start. We also recommend that workshops on common themes do not run concurrently.

Main session topics: These should be allowed to change from time to time rather than be approached as having been 'cast in stone' in 2006.

Clarify criteria for open forums: This can also be a way of reducing the number of workshops. For example, a workshop that is about the work of a particular institution would be better as an open forum.

Capacity building: Excellent recommendations for strengthening the capacity building dimension of the IGF were made during workshops These should be captured in outcome documents and considered for implementation by the MAG and the Secretariat. Pre-events play a significant capacity building role and should continue to be supported.

Interactive dialogue: Frequently there is too little opportunity for participation of the audience in the discussions. This could be due to time allocations or due to having too many panellists. Ensuring reliable connectivity to facilitate remote participation could also improve the amount of interactive dialogue.

Speakers: Recruiting good speakers is not easy. Nevertheless we encourage the MAG to limit the number of times that any one individual speaks on main session and workshop panels. Gender, age, and geographic diversity should be considered.

Gender report-card: Adopt this in all IGF workshops as well as main sessions.

Stenography: Ensuring better stenography could be achieved by improving protocol accompanied by better online tools for inputs and also by increasing opportunities for inputs into reports on feeder workshops.

5.3 To "outcome, or to not"?

APC believes this is a discussion that 'should be put to bed'. While MAG members debate whether the IGF should produce outcomes or not, it is doing just that. Outcomes are emerging in multiple ways: in the form of follow-up events, better understanding of stakeholder groups' concerns, informal negotiations of positions on upcoming policy processes (as was the case with the ITR revisions last year), brainstormed solutions for difficult policy problems, suggestions for research and capacity building programmes, statements from pre-events, and so on.

These are not 'negotiated' agreements, but they might eventually lead to such agreements. The more interesting question is how these outcomes should be captured and communicated. This is a task that the MAG must take seriously. These are not 'negotiated' agreements, but they might very well inform such agreements in the future.

Rather than ask whether the IGF should produce outcomes or not, the more interesting question is how these outcomes should be captured and communicated. Strengthening IGF outcomes is also one of the key recommendations of the CSTD

Working Group on IGF Improvements. This is a task that the MAG must take seriously.

5.4 Adopt 'human rights' as a main theme

As the UN Special Rapporteur on Freedom of Expression, Frank La Rue has said in his 2011 report, "[t]he internet vastly increases the capacity of individuals to enjoy their right to freedom of opinion and expression, including, access to information, which facilitates the exercise of other human rights".

The APC proposes that human rights become one of the main themes of the IGF. It seems to be a 'natural' step forward considering the prominence of human rights at the IGF. It will facilitate a substantive continuation of the debate, particularly around diverse ways in which the technical and policy decisions surrounding internet governance contend with human rights.

5.5 Deepen and expand human rights discourse

The MAG and workshop organisers should aim to include new human rights issue areas (like anonymity) and less talked about rights (e.g. LGBT rights). Approaching issues such as network neutrality, affordable access, public access and accessibility are also parts of the rights discourse.

5.6 Internet governance principles

APC supports the position put forward by the Internet Rights and Principles (IRP) coalition that the IGF should provide a space for establishing whether there is consensus on what principles should underpin public-interest internet policy and policy-making processes. Many institutions are framing 'their' principles, such as the Council of Europe and the OECD. At national level governments are establishing principles that can be used to frame national policy-making. What the meaning of these principles are, how they will be applied, and how they relate to existing global agreements and standards is still not clear. We therefore support the proposals that IGF 2013 addresses this topic in more depth than previous IGFs have done and that "Public interest principles for the internet" or "Shaping global principles for internet governance" be considered as main themes.

6. Acknowledgements

In spite of concerns raised above APC extends our thanks to the Government of Azerbaijan for the hard work and substantial resources they put into the process. APC values the opportunity this gave us to learn more about the country and appreciates the warm welcome and assistance received from many citizens of Baku.

APC wants to thank the IGF Secretariat, particularly Chengetai Masango and Farzaneh Badii who, once again managed to pull off a huge and successful event under challenging circumstances. Thank you also to UNDESA and other UN staff for their invaluable operational support to all those who contributes the financial support which makes the IGF possible. Thank you to the interpreters, the captioners, and the remote participation team. We also thank the members of the Multi-Stakeholder Advisory Group for the intensive effort they put into developing the programme; work that is not always visible to IGF participants. We thank workshop organisers for their effort and commitment and the many 100s of participants who make the IGF the dynamic space that it remains.