Global Commission on Internet Governance

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Solving the International Internet Policy Coordination Problem

Nick Ashton-Hart

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CIGI

CHATHAM HOUSE
The Royal Institute of
International Affairs

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ABOUT THE GLOBAL COMMISSION ON INTERNET GOVERNANCE

The Global Commission on Internet Governance was established in January 2014 to articulate and advance a strategic vision for the future of Internet governance. The two-year project conducts and supports independent research on Internet-related dimensions of global public policy, culminating in an official commission report that will articulate concrete policy recommendations for the future of Internet governance. These recommendations will address concerns about the stability, interoperability, security and resilience of the Internet ecosystem.

Launched by two independent global think tanks, the Centre for International Governance Innovation (CIGI) and Chatham House, the Global Commission on Internet Governance will help educate the wider public on the most effective ways to promote Internet access, while simultaneously championing the principles of freedom of expression and the free flow of ideas over the Internet.

The Global Commission on Internet Governance will focus on four key themes:

- enhancing governance legitimacy — including regulatory approaches and standards;
- stimulating economic innovation and growth — including critical Internet resources, infrastructure and competition policy;
- ensuring human rights online — including establishing the principle of technological neutrality for human rights, privacy and free expression; and
- avoiding systemic risk — including establishing norms regarding state conduct, cybercrime cooperation and non-proliferation, confidence-building measures and disarmament issues.

The goal of the Global Commission on Internet Governance is two-fold. First, it will encourage globally inclusive public discussions on the future of Internet governance. Second, through its comprehensive policy-oriented report, and the subsequent promotion of this final report, the Global Commission on Internet Governance will communicate its findings with senior stakeholders at key Internet governance events.

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ABOUT THE AUTHOR

Nick Ashton-Hart is the senior permanent representative of the technology sector to the United Nations, its member states and the international organizations in Geneva. He has participated in multilateral policy development since 1992, been an active part of the Geneva community for 14 years and a resident for the past eight.

He came to international policy from private sector careers in both the entertainment and information and communications technology sectors. In the music industry, he managed some of the world's most successful and influential artists, including the "Godfather of Soul," James Brown. In the tech sector, he started as a systems administrator in the 1990s and finished up as a temporary chief information officer/chief technology officer five short years later, giving him broad hands-on technology experience.

He is currently executive director of the Internet & Digital Ecosystem Alliance (IDEA), a Swiss NGO with the mission to ensure that for-profit and not-for-profit Internet stakeholders have a voice in the multilateral policy community in Geneva. Geneva is home to 26 UN agencies and more than 50 percent of the international Internet policy meetings and processes that take place each year. Nick is the only person who participates across them in a representational capacity.

Prior to founding IDEA, he was Geneva Representative of the Computer & Communications Industry Association (CCIA), director for At-Large and senior director for participation and engagement, both with the Internet Corporation for Assigned Names and Numbers, and executive director of the International Music Managers Forum.

Nick's pro bono and advisory roles include: associate fellow of the Geneva Centre for Security Policy; senior fellow of the Diplo Foundation; member of e15Initiative Trade and Innovation Expert Group and Expert Group on the Digital Economy; member of the Evian Group@IMD Trade Task Force (www.imd.org/eviangroup/); and member of the board of directors for MetaBrainz Foundation, the corporate home of MusicBrainz (http://metabrainz.org/). He is also a featured blogger on CircleID (http://www.circleid.com/members/7172/) and can be found @nashtonhart on Twitter.

ACRONYMS

CC	Coordination Committee
CSTD	Commission on Science and Technology for Development
DACS	Digital Affairs Coordination Service
DEPOt	Digital Environment Policy Observatory
GPT	general purpose technology
IASC	Inter-Agency Standing Committee
ICANN	Internet Corporation for Assigned Names and Numbers
ICT	information and communications technology
IETF	Internet Engineering Task Force
IGF	Internet Governance Forum
IGO	intergovernmental organization
INTERPOL	International Criminal Police Organization
IP	Internet Protocol
ITU	International Telecommunication Union
LDC	least developed country
NGO	non-governmental organization
OCHA	Office for Coordination of Humanitarian Affairs
OECD	Organisation for Economic Co-operation and Development
ToR	terms of reference
UNCTAD	UN Conference on Trade and Development
WSIS	World Summit on the Information Society
WTO	World Trade Organization

EXECUTIVE SUMMARY

The digital ecosystem and its beating heart, the "network of networks" that is the public Internet, are inherently borderless and consequently impact, and are impacted by, an increasing spectrum of international public policy just as they do daily life. This is due to two factors:

- the Internet is a general purpose technology (GPT),[1] one of only a relative handful in all of recorded history; therefore, it drastically alters society worldwide through its impact on pre-existing economic and social structures; and

- the Internet's already enormous impact is accelerated and amplified further due to the principle of network effects.[2]

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1   For context, other GPTs include electricity and the printing press. For further reading, see Rosenberg and Trajtenberg (2004). For perhaps the definitive treatment of the subject, especially from an economic perspective, see Lipsey, Carlaw and Bekar (2005).

2   For the most user-friendly, short explanation of what the network effect is and its context, see http://en.wikipedia.org/wiki/Network_effect.

Given that less than 50 percent of humanity is currently online, these two realities ensure the impact that the Internet will have on policy making, and vice versa, is only just beginning to be felt — and will escalate and accelerate.

This paper argues that continuing to address Internet-related public policy in subject-area silos, independently developing and implementing policy with ad hoc efforts to coordinate related activities, would be a serious mistake and a major missed opportunity. It does not argue for creation of a new international policy-making process but that existing fora, both intergovernmental and non-governmental, should coordinate with each other at the institutional level to deliver better policy results within existing processes and mandates. A straw man proposal for accomplishing these objectives is included in the Annex.

SETTING THE STAGE

Many stakeholders find it difficult to determine where to get help with key security and operational Internet concerns, especially across national boundaries. The "Internet dimension" to traditional public policy issues arose long after virtually all existing multilateral institutions were created to handle the "analogue world." Globalization has created interdependencies between traditional policy silos, even without factoring in the further complexity added by the digital environment.[3] Multiple agencies must address elements of a single issue to create a sustainable outcome and this naturally creates tension: if negotiating parties cannot find a path to an outcome that meets their needs, conflicts are more difficult to resolve and stakeholders are incentivized to engage in "forum shopping" the same issue in multiple venues.

The constellation of public/private and non-governmental organization (NGO)-based processes that fill key roles in the Internet's technical management[4] can be confusing for governments (as well as others), given the many divergent mechanisms for decision making. Conversely, multilateral agencies can prove difficult and frustrating for non-governmental stakeholders. At their most inclusive, these fora generally limit NGO participation to observation and occasional short comments when governments are finished talking. At their least inclusive, NGOs are unable to attend meetings at all or provide input in any way that can impact outcomes.

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3   For an excellent and prescient analysis specific to the Internet, see Keohane and Nye (1998). For a *tour d'horizon* of this dynamic across various policy fields see Drezner (2001).

4   A graphical illustration of the various technical functions can be found at www.icann.org/resources/unthemed-pages/functional-2014-02-20-en?routing_type=path. Another graphic that puts those functions into the broader socio-economic contexts of policies impacted by the Internet is available at www.icann.org/resources/unthemed-pages/layered-model-org-2014-02-20-en?routing_type=path. See also footnotes 3 and 8.

Finally, high-profile issues such as cyber security are tackled in a multitude of institutions and processes, ranging from purely intergovernmental and formalized (such as the Organisation for Economic Co-operation and Development [OECD] or the North Atlantic Treaty Organization, among others) to informal (such as conferences and multi-stakeholder collaborative environments), and the landscape is rapidly evolving.[5]

INTERNATIONAL POLICY MAKING DIRECTLY RELATED TO INFORMATION AND COMMUNICATIONS TECHNOLOGIES

The multilateral information and communications technology (ICT) policy framework was negotiated at the World Summit on the Information Society (WSIS) in 2003 and 2005.[6] While the WSIS negotiation process did include elements that involved non-governmental stakeholders, such as the Working Group on Internet Governance, the decisions it adopted were fundamentally intergovernmental in nature and the follow-up process to its implementation arrogates decision making largely to governments. UN agencies have a coordination mechanism for their activities — UNGIS (the United Nations Group on the Information Society)[7] — as do the UN member states themselves.[8] For all other stakeholders, there are opportunities to meet — notably at the annual meetings of the Internet Governance Forum (IGF) and the WSIS Forum — however, these are not policy-making fora.[9] This asymmetry has created continuous friction among stakeholders.[10]

By contrast, the key global technical functions that make possible all communications on Internet Protocol (IP)-based networks, including the Domain Name System and various IP-related addressing systems, predate the WSIS and are managed by several non-treaty-based organizations created by non-state actors. At these organizations, all stakeholders (including governments) collaborate on policy and standards-development activities that are by design interdependent, and where a high degree of coordination between among is necessary.

There are persistent debates about the governance of these organizations and disagreements about the relative positions of stakeholders vis-à-vis each other in decision-making processes. The practical results of the interrelationships between organizations demonstrate that coordination across interrelated policy activities creates results that are far more than the sum of their parts.[11]

At the time the WSIS conferences concluded, discussion of the Internet dimension of "offline" public policy issues was limited and largely related to technical subjects. Since then, digital issues have rapidly been mainstreamed into the work of policy making at the international level, but the natural silos of different subject areas has resulted in many (and probably most) stakeholders no longer being aware of where aspects of "their" issues are being addressed.

Against this background, periodic calls are made for an "Internet agency" of one sort or another to centralize Internet policy.[12] Some stakeholders (notably, but not entirely, developed countries) reject this idea as intended to allow governments to "take control" of key Internet functions and content online, while others see it as the only way that stretched policy makers, especially in developing

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5   See pages 17–20 of www.unog.ch/80256EE600580270/(httpHomepages)/451CD0DD8D177D6780256F040066CF64?OpenDocument. A listing of the institutions and processes discussed in this report may be found in the database that accompanies it (see UN Conference on Trade and Development [UNCTAD] 2014, 9–11).

6   See www.itu.int/wsis/documents/doc_multi.asp?lang=en&id=2316|0.

7   Further information on its activities may be found at www.ungis.org.

8   The most important in decision-making terms is the Commission on Science and Technology for Development (CSTD). See http://unctad.org/en/Pages/CSTD.aspx.

9   Within the WSIS framework the key discussion forum is the IGF and the regional and national IGFs; these latter continue to proliferate worldwide. The majority of policy making and standards development related to core Internet addressing and related areas take place outside of multilateral institutions.

10   While an in-depth analysis is beyond the scope of this paper, in brief, the friction manifests itself as calls for increasing multi-stakeholder-driven policy development on the one hand and assertion of the need for state actors to remain the decisive decision makers in international public policy on the other.

11   For the non-technical reader, two examples are salutary: the development and deployment of the Domain Name System Security Extensions — an improvement to the global Internet addressing system's security architecture — and the development and deployment of domain name addresses in scripts such as Hindi, Arabic and Chinese, known as Internationalized Domain Names. For the former, see Rickard (2009), and for the latter see EURid and UN Educational, Scientific and Cultural Organization (2011).

12   Some of these calls are seen as a smokescreen for governments to control Internet content; others are seen as a positive need for better coordination across the multiplicity of actors and processes involved in Internet policy. All make similar points at the level of basic narrative. Two examples illustrating the opposite ends of the spectrum are:

• an Indian proposal for a "United Nations Committee for Internet Related Policies" (see http://cis-india.org/internet-governance/blog/india-statement-un-cirp for more information); and

• the Panel on Global Internet Cooperation and Governance Mechanisms, convened by the Internet Corporation for Assigned Names and Numbers (ICANN), proposed a distributed fully multi-stakeholder-driven, ecosystem-based approach to Internet governance issues. Its approach underpins the NETmundial Initiative (see www.netmundial.org), launched by ICANN, the World Economic Forum and cgi.br in November 2014. See ICANN (2014).

Figure 1: Mechanisms Addressing Public Policy Issues Pertaining to the Internet
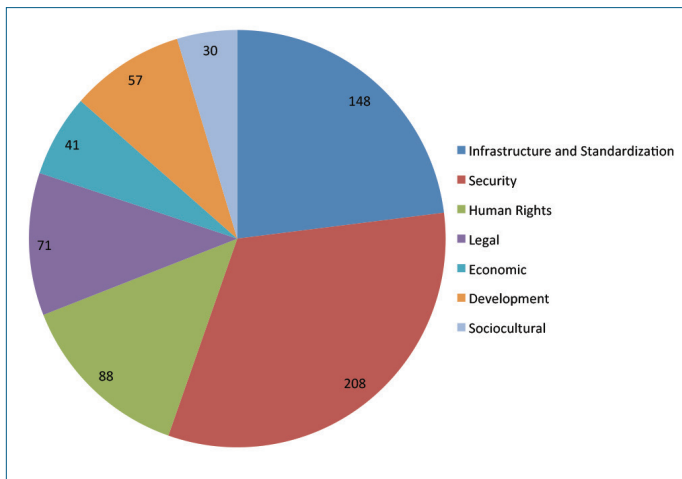
Data source: UNCTAD (2014).

countries, can hope to holistically influence international public policies that affect them.

That stalemate and the underlying political and societal differences that give rise to it have made multilateral discussions related to the digital environment extremely contentious, whether at the UN General Assembly, the Economic and Social Council and its many subsidiary bodies,[13] or the work of the more than two dozen UN-specialized agencies. The most well-known examples of these disputes relate to the activities of the International Telecommunication Union (ITU).[14]

The difficulties can seem unique to each community, but really they are not: stakeholders understand and participate in the activities of the silo with which they are most concerned, but related activities outside of that silo are a different story altogether. This suggests a mechanism is needed to facilitate engagement between silos on interrelated subjects without complicating policy-making activities or creating another policy-making forum.

How Serious Is the Problem of Digital Policy Development Dispersion?

Despite mainstreaming digital issues throughout international policy-making environments, the first study of the scope of that dispersion was published in November 2014 (UNCTAD 2014, 17–20).[15]

The survey grouped governmental and non-governmental "mechanisms" addressing "identified international public policy issues pertaining to the Internet" into seven broad clusters (ibid.). Despite an acknowledgment that the list is not exhaustive, it nevertheless contains 643 mechanisms across 40 issues in those seven clusters.

As an illustration of the extreme level of policy fragmentation, the "Security" cluster alone involves more than a dozen international organizations, a similar number of regional intergovernmental bodies and numerous non-governmental fora.

It is important to recognize that facilitating participation and coordination across related or interconnected issues in different fora is entirely separate from value judgments about how those processes should operate. The need for different objective outcomes has resulted in very different models of decision making. For example, development of technical standards, such as at the Internet Engineering Task Force (IETF), ensures that barriers to entry for new participants are very low, as the objective outcomes are technical: success is much more likely if anyone with sufficient technical knowledge, good English language skills and a good idea is easily able to participate with like-minded experts. By contrast, where different socio-economic interests have to resolve issues that do not lend themselves to a technical solution, the processes used are different: resolving values-related disputes, such as the practical application of international law related to social issues, tends to be much more formalized and rules-based and results in very different choices about which stakeholders should have what level of standing.

This differentiation is particularly important with respect to digital issues because in each thematic cluster — for example, security — there are fora that must address values-based issues and more empirical, technical issues, and the successful result of both can be strongly interdependent. As an example, negotiations about encryption have a very technical element: facilitating development of encryption standards to ensure products and services that rely upon them are in fact secure. They also have elements that are values-based: balancing the use of encryption to facilitate objectives as varied as freedom

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13   For an excellent *tour d'horizon* of this dynamic, viewed through the lens of information security policy, see Gjelten (2010). The Snowden revelations have made the issues Gjelten describes far more acute.

14   A current European view of the ITU and its role in Internet policy may be found in Schaller and Thimm (2014).

15   The UNCTAD (2014) report began as an effort on the sidelines of the CSTD's Working Group on Enhanced Cooperation (see http://unctad.org/en/Pages/CSTD/WGEC.aspx). The story of that exercise may be found in Dickinson (2014).

of expression, protection of intellectual property and protection of national security through access to encrypted information. No single method of working on policy suits all of these diverse objectives, but a successful result that is technically valid and socially acceptable is greatly assisted if each process or fora can interact and coordinate constructively with the work in the others.

Geneva's Role in International Internet-related Policy Development

Two-thirds of the UN system's work takes place in Geneva,[16] and the Diplo Foundation has estimated that more than 50 percent of all international policy meetings related to the digital environment take place there as well. (See Figure 2). In the last decade of his engagement with international policy related to the digital environment, the author has observed a clear trend emerging: discussions related to the Internet have spread with respect to both the number of processes and the number of agencies involved in them.

There are numerous reasons why this is occurring:

- This is the natural result of the spread of the economic and social impacts of the Internet itself: the principle of network effects, combined with an increasing proportion of humanity online, means that the Internet dimension to pre-Internet (or "offline") issues has increased.[17]

- Governments are experiencing the same spread of Internet dimensions to the work of ministries at the national level, and the inherently global nature of the Internet naturally ensures that governments will seek international responses to emerging issues. This spread has rapidly accelerated and become far more political and divisive since the Edward Snowden revelations.

- Multilateral institutions perceive tackling Internet-related issues as important for demonstrating their relevance to core stakeholders and also across the UN system. This incentivizes the proliferation of activity even when duplicative or tangential to the mandate of the organization.[18] Of course, the same dynamic can and does play out at the national level among ministries.

- Governments seeking a policy result internationally have an incentive to "forum shop," raising the same

core issue in multiple fora to see where it gets the most traction.

All of this is complicated by the structural division between UN member states' missions in Geneva: the general UN mission handles most of the UN processes, while the World Trade Organization (WTO), UNCTAD, the International Trade Centre, the World Intellectual Property Organization and a few others are usually handled by the trade mission. Often, each of the two has a separate ambassador and there are sometimes competitive dynamics between them; this increases opportunities for forum shopping and for contradictory policy proposals.[19] Trade policy increasingly implicates ICT issues and especially the Internet, increasing the number of discussions and their relative economic significance.[20]

This spread of Internet-related discussions and their complexity, intensity and variety, alongside their increasing politicization, has attracted the attention of the UN secretariat at a senior level,[21] as well as the host country Switzerland,[22] and has resulted in increased allocation of resources to Internet issues by Geneva-based missions.[23] In particular, human rights legal advice is needed in more and more fora as a direct consequence of the Snowden revelations.

Despite increased resourcing, those diplomats responsible for Internet issues are stretched. National governments, especially in OECD countries, are establishing Internet policy coordination teams to respond to the increase in both national and international policy discussions with an Internet dimension.

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16 According to the UN Office in Geneva; see www.unog.ch/80256EE600580270/(httpHomepages)/451CD0DD8D177D6780256F040066CF64?OpenDocument.

17 Approximately 580,000 people go online for the first time every day, an increase from 550,000 in 2012. This number is derived from ITU (2014).

18 The ITU is a particular "hot spot" for this dynamic.

19 A good example of this was discovered in 2012, when the general missions of some countries were making proposals for a treaty-making conference under the aegis of the ITU that were not congruent with their trade commitments at the WTO — and the two missions were not only unaware of the problem, they had not even asked their colleagues in the other mission for advice. See Lee-Makiyama and Samarajiva (2012).

20 There are many examples of this, but the most significant are the ongoing Trade in Services Agreement negotiations (see https://en.wikipedia.org/wiki/Trade_in_Services_Agreement). These negotiations are outside the WTO per se, although all the participating countries are WTO members, and the informal discussions on how to address Internet-related trade more formally at the WTO itself started with a US proposal to the WTO Services Council. See WTO (2014).

21 This is based upon the author's bilateral conversations with relevant officials.

22 The host country funds the Geneva Internet Platform to help the Geneva international community deal with the increasingly complicated and busy Internet-related policy situation. See www.giplatform.org/.

23 The experience of the United Kingdom is salutary, yet far from unique: in correspondence with the author, in late 2013 there was one person who reported officially dedicating 25 percent of their time to Internet issues. As of this writing, there is a first secretary dedicating about 30 percent to the subject and another dedicated full time. It is also the author's observation that while two years ago the "Internet portfolio" was often allocated to a third or second secretary, it is now normally handled by a first secretary.

Figure 2: Geneva's Role in Global Internet Governance (in %)
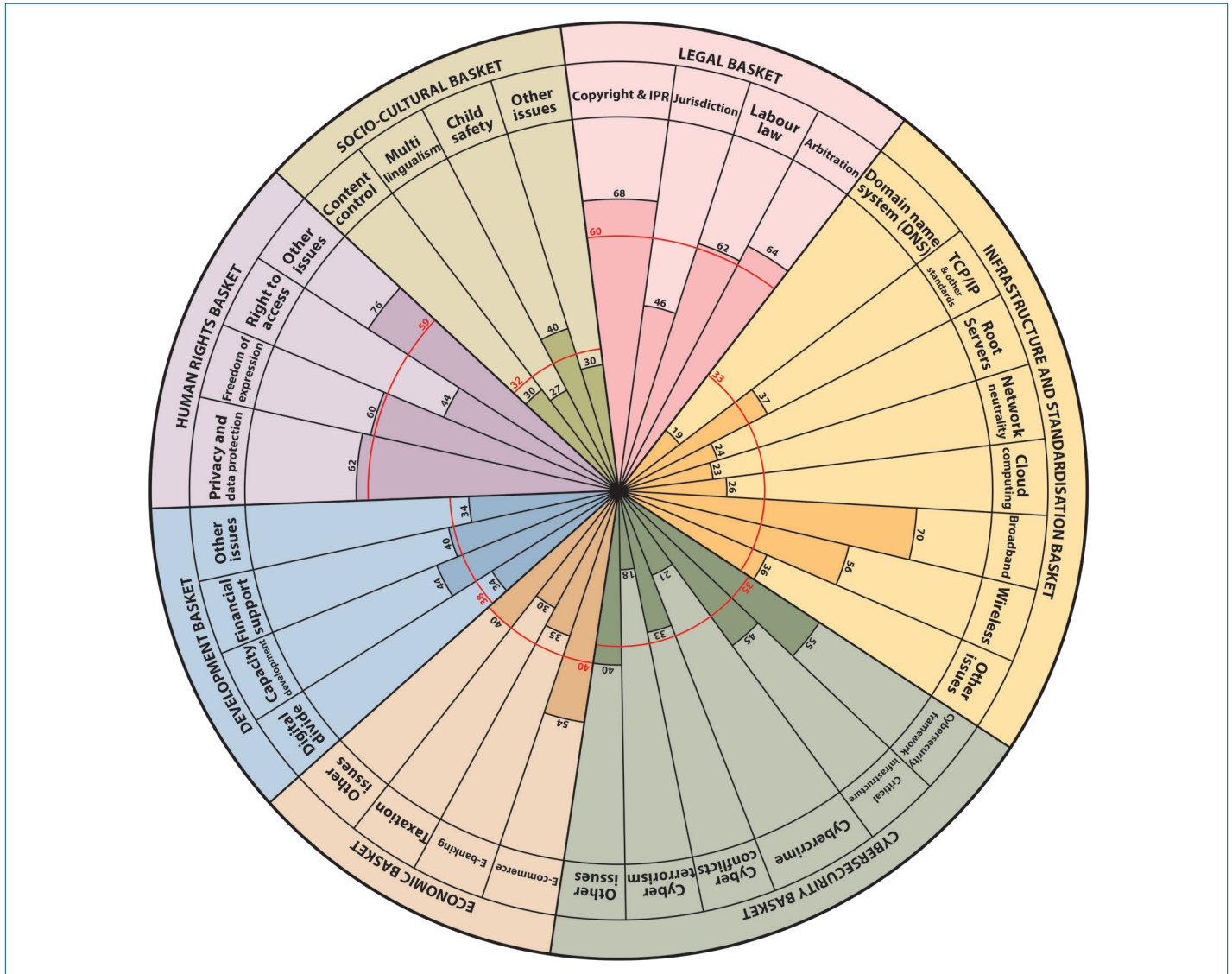
Source: Kurbalija (2014).

On the non-governmental side, even civil society groups from the developed world routinely say that they are unable to attend all the meetings that concern them relating to digital issues because of Geneva's relative cost. There are other barriers to entry: the complexities of NGO accreditation at different agencies create burdens for participation, with requirements for multiple applications for standing and long approval timelines.[24]

For stakeholders from developing and least developed countries (LDCs), the situation is much worse. It is very common to see diplomatic missions in Geneva, especially for LDCs, that have only two or three diplomats to cover the work of 95 UN agencies and related international organizations and the more than 250 international NGOs

in Geneva.[25] Even countries that have made ICTs and the Internet a key part of their national development plans cannot allocate sufficient staff time in Geneva to cover Internet issues when they have so few staff to start with. It is the author's personal experience that following the work of even one of several agencies in Geneva with substantial activities related to the digital environment can take up all of one person's time throughout most of the year.

In addition to Geneva, many non-governmental mechanisms and processes that have pivotal responsibilities for various aspects of international

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24   For further details on the barriers NGOs face and some ideas for how to remediate these issues see Zettler (2009).

25   A WTO publication found that the average number of staff in Geneva diplomatic missions was 6.3 at the end of 2012, although the statistical coverage of the report is on 136 of the 173 UN member states (vanGrasstek 2013, 88, Table 3.1). For a high level statistical view of international Geneva more broadly, see WhyGeneva.ch (2015).

Internet-related policy are widely distributed. There are also key intergovernmental organizations (IGOs) — such as the OECD, the International Criminal Police Organization (INTERPOL) and the United Nations Office on Drugs and Crime — with long-standing work programs in Internet-related policy based elsewhere. It is also true that fundamentally important processes in every major policy cluster are devolved to non-intergovernmental organizations. Nevertheless, it is clear that Geneva will be a major locus of an increasing amount of Internet-related multilateral policy work. It is also clear that this work would benefit enormously by better coordination, especially given that non-governmental processes have fundamentally important roles that the more formalized IGO-based processes must leverage.

WHY HAVE WE NOT SEEN A HOLISTIC RESPONSE TO THE PROBLEM?

The proposition that better coordination of Internet-related policy making is necessary is not new; it has been discussed since before the conclusion of the WSIS agreements in 2003 and 2005 (Drake and Price 2014). There are several reasons why the problem has not been solved, which are worth noting (Drake and Kaspar 2014).

First, the "pain threshold" of a critical mass of stakeholders in dealing with the burdens imposed by lack of coordination has not been sufficiently high to force action. The level of pain is growing alongside a significant increase in negative, political and polarized discussion of Internet issues over the last 18 months.

Second, the proposals for coordination have either failed to adequately address the political fault lines and/or meet the practical need for a holistic solution,[26] and thereby sufficiently motivate both non-governmental and governmental institutions to collaborate in two key ways:

- they are entirely voluntary, fully multi-stakeholder initiatives (which some countries won't accept), or are

entirely intergovernmental, such as new UN agencies intended to make policy (which others reject);[27] and

- they are not comprehensive enough, either:
  - failing to inspire sufficient confidence in their likely practical effectiveness and scope; or
  - unable to achieve a critical mass of participation from governmental, intergovernmental and non-governmental stakeholders.[28]

It is likely that the scales have finally reached a tipping point: a spate of high-profile terrorist and quasi-terrorist incidents in various countries, combined with high-profile hacking incidents, has dramatically increased calls for action on various cyber security fronts. Given that these incidents have often had multinational dimensions, this has led to dramatically increased interest in action to increase international cooperation on Internet issues more widely.[29]

LOOKING FOR SOLUTIONS: BUILDING ON PAST EXPERIENCE

To find solutions, it is helpful to look at how the international community has sought to solve policy coordination problems crossing multilateral, governmental and non-governmental silos at the international level. A particularly relevant example may be found in the genesis and development of the Office for Coordination of Humanitarian Affairs (OCHA), a specialized agency of the UN.

OCHA was created by the UN General Assembly in 1991[30] to ensure better coordination in humanitarian emergencies across the UN system as well as between the UN and the non-governmental humanitarian community (UN General Assembly 1991).

Just as in the Internet policy space, the humanitarian community is composed of many UN agencies with different operational mandates and priorities, but also thousands of independent non-governmental actors, some of which have budgets that are larger than all but the largest multilateral humanitarian institutions. Ensuring that all can respond within their mandates and expertise

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26 For example, the use of encryption to facilitate human rights online is active at the Human Rights Council (in standard-setting bodies such as the IETF) and a long-standing feature of law enforcement-related discussions at a host of such venues, just as it will undoubtedly come up in a trade context during ecommerce discussions at the WTO and UNCTAD. It has been active at the OECD for several years and implicates existing treaty arrangements such as the Wassenaar Arrangement (for the most comprehensive overview, see http://en.wikipedia.org/wiki/Wassenaar_Arrangement). Without effective coordination — and cross-silo participation by stakeholders — sustainable and equitable results will be difficult at best, and further complexity and conflicts of laws problems are the more likely result. The existing legal landscape of this subject is a well-known and long-standing global headache for commerce. A good practical example of this can be found at www.cisco.com/web/about/doing_business/legal/global_export_trade/general_export/contract_compliance.html.

27 The Indian CIRP proposal is the most well-known example. See footnote 13.

28 The NETmundial Initiative is the latest of many examples. See footnote 13.

29 The author has attended a number of private meetings in recent months with capital-based senior government figures who have come to Geneva specifically to see how the international system can better address security and broader Internet policy issues, and whether a new international agency is needed to do so.

30 The original proposer was the United States, at the instigation of former President George H. W. Bush.

quickly and in a way that minimizes duplication and gaps in coverage is literally a life-and-death matter, often for large populations.

The OCHA has grown since its inception[31] to cover policy coordination between agencies and an extensive shared logistics function. It also provides a venue for shared fundraising and trust funds to ensure systemic capacity for very rapid response.

While some of these functions are not transferable to the Internet policy situation, the following are.

The Inter-Agency Standing Committee (IASC):[32] created by the UN General Assembly (1991), the IASC is a forum for UN and non-UN organizations to work together to facilitate coordination, minimize gaps in delivery and agree on shared activities and programs. It has various sub-bodies it establishes as needed, some permanent, others for specific time-bound purposes. While the "full members" of the IASC are all part of the UN system, there are "standing invitees" from the non-UN world that collectively represent several hundred entities from the largest and wealthiest NGOs to groups of volunteers.[33]

Providing shared information sources and databases:[34]

- ReliefWeb is the most comprehensive humanitarian information source in the world for practitioners, aggregating information from 3,500 sources from across the humanitarian community. A one-stop portal that's highly user configurable and which includes "push" updates, in 2013 alone it had five million unique visitors;[35]

- IrinNews[36] is a news and analysis portal providing information for the wider world on humanitarian issues. Just over half its audience is not from the humanitarian community; it helps to ensure journalists and researchers have a trusted place to turn for comprehensive information on humanitarian activities, including image and video libraries as well

as documentary films, all of which have been used by mainstream press outlets worldwide; and

- humanitarian response:[37] a suite of digital tools for those working on emergencies, particularly those in the field, ranging from comprehensive contact information to meeting schedules to detailed maps and common datasets.

Also relevant is that the OCHA doesn't decide what should be done or by whom. It is administratively responsible to the UN, but the stakeholders participating in the IASC are key to defining what services it provides.[38] Its decisions are generally made by consensus.[39]

Characteristics of a Successful Mechanism

To create a solution to the coordination problem that is both politically viable and practically useful is difficult but not impossible. The following would need to be avoided:

- creating a new agency or intergovernmental body of UN member states with a general Internet-wide remit — this will not attract a sufficient level of intergovernmental support;

- substantially widening the mandate of an existing UN agency or intergovernmental body or process. For the various agencies to cooperate, a mechanism that engenders trust is needed and making one the "first amongst equals" would do the opposite and exacerbate competitive dynamics that already exist;

- disconnecting the new process from the multilateral system. The intergovernmental institutions have established mandates and collectively will be unwilling to fully participate in any process that is entirely outside the international system. For the same reason, the new process cannot be disconnected from or disenfranchise the non-IGO sector. Many aspects of international policy making with a digital dimension are decided and managed outside the UN system, ranging from the management of the Internet's addressing systems to collaboration on prevention of crime online at EUROPOL (the European Police Organization) and INTERPOL to the London Process on spam mitigation, to name just a few examples; and

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31   A one-page graphical history may be found at www.unocha.org/sites/default/files/OCHA_Category/About%20Us/History/AshortHistory_OCHA_1200.jpg.

32   See www.humanitarianinfo.org/iasc/.

33   According to the IASC, "In practice, no distinction is made between 'Members' and 'Standing Invitees' and the number of participating agencies has expanded since inception of the IASC in 1992." See http://humanitarianinfo.org/iasc/pageloader.aspx?page=content-about-default (and confirmed in interviews with OCHA staff by the author).

34   Only the relevant services are discussed — the complete picture is available at www.unocha.org/what-we-do/information-management/im-services.

35   See http://reliefweb.int/report/world/reliefweb-highlights-2013.

36   See http://irinnews.org.

37   See www.humanitarianresponse.info/.

38   While the UN humanitarian agencies are obliged to collaborate by the member states that fund them (and to which they answer), the non-multilateral humanitarian actors are not so obliged and presumably remain participants in the OCHA because they see it as worthwhile.

39   For a discussion of decision making, objectives and mandates, the revised IASC Terms of Reference (ToR) (2014) are available at http://humanitarianinfo.org/iasc/downloadDoc.aspx?docID=6700&type=pdf.

- duplicating existing processes or reducing their value.[40] Any features that have this effect will create suspicion in all of the organizations whose participation is sought, as they will likely suspect that the new entity's underlying purpose is in taking power from participating organizations over time.

With this in mind, the following are essential to success:

- The process should create a venue where collaboration by the multiplicity of actors and organizations that make or implement international Internet policy is facilitated and incentivized to ensure maximum synergies are possible. It must do so in ways that incentivize participation and collaboration by as many processes and institutions as possible — and not itself be a policy-making forum.

- The solution is administrative in nature and must be seen as neutral — and therefore must not be part of any existing agency or process with a policy-making or policy-implementation mandate. This suggests that its leadership should report administratively and financially to a neutral party, but the organizations and entities it serves must have a mechanism to evaluate its performance in a manner that creates effective accountability to its participants.

- It should provide services that facilitate understanding — both for all stakeholders and the interested public — of the multitude of activities related to Internet policy at the international level, decisions taken, processes under way and what facilities exist for participation in these fora. This requires services that contextualize information for different audiences in order to relate activities to their interests.

- It should not be large or expensive. A small team with specific, quantifiable objectives should suffice, especially early on.

- It should be located where the bulk of working international meetings that relate to the Internet are held — Geneva, Switzerland.

- It should recognize that different stakeholder communities work differently and often use different processes and languages. It must be able to speak to and work with all stakeholders constructively.

Constituting a mechanism along these lines meets three main political and practical needs. First, it would provide a political compromise between those who want a new, classic intergovernmental organization and those who would prefer nothing new. Second, it would meet the needs of both governments and the non-governmental sector in navigating the thicket of different institutions and processes with policy roles by helping them to find and understand the value in their context of the various processes that exist. And third, it would create a forum where collaboration across entities could proceed in a structured, demand-driven way that would not disrupt, negatively impact or duplicate existing structures.

FINAL THOUGHTS

The pain threshold of actors in dealing with the increasingly complex digital environment and the policy challenges it has complicated has reached the point where investing the energy in solving the problem is less demanding than continuing to live with the status quo, as long as political and practical fault lines are avoided.

There is one additional element in favour of action: 2015 is the decennial review of the WSIS. Proposals for a new intergovernmental Internet agency are already in the process of reintroduction. Providing a viable path that effectively addresses the coordination issues and facilitates greater engagement by developing countries and LDCs and their stakeholders would have substantial value. Such a counterproposal would meet the practical needs that proponents of a new "Internet agency" are looking for (although it would not meet, it must be acknowledged, some underlying political objectives for some proponents), without the negative baggage that a new policy-making agency is likely to be burdened with.

While it affects all stakeholders, developing countries and particularly LDCs have a legitimate complaint about the difficulty of participating in Internet policy across so many institutions and processes. At a practical level, there is a genuine and pressing need to address stakeholders' calls for clarity on where to turn for best practices and technical assistance in solving practical issues.

Acknowledgments

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40   In the latter case, creating links with the existing fora where Internet policy is discussed, including but not limited to the annual IGF, will be important to many stakeholders.

ANNEX: A STRAW MAN FOR A DIGITAL AFFAIRS COORDINATION SERVICE

Digital Affairs Coordination Service

Mission: To provide a venue where all organizations and processes engaged in activities impacting the digital environment at the global level may collaborate and exchange information to ensure their efforts maximize the potential for cooperation, each within their mandates.

To provide information services that facilitate all stakeholders' understanding of the many activities, processes and negotiations taking place worldwide in both intergovernmental and non-governmental fora that relate to the digital environment and how they may participate in these activities.

Location: Geneva, Switzerland

Structure

Coordination Committee

The Coordination Committee (CC) is composed of principals designated by each of the member organizations — organizations or processes with a mandate that has an international impact on policy development or implementation related to the digital environment, including:

- multilateral, treaty-based organizations such as UN agencies and non-UN family members, for example, the OECD and the WTO;

- NGOs such as the IETF and ICANN; and

- less formal bodies such as the London Action Plan and the Messaging, Mobile and Malware Anti-Abuse Working Group,[41] both of which deal with unsolicited electronic messaging (often referred to as "spam") mitigation, and the International Consumer Protection and Enforcement Network, a global network of national consumer protection organizations that addresses the transboundary dimension of consumer protection online.

Primary Objectives

The overall objective of the CC is to improve coordination of activities among the agencies and processes that impact or are impacted by the digital environment, including the public Internet. This objective is facilitated through a program of work:

- to identify and address areas where:

  - gaps in mandates or lack of operational capacity exist;

  - there is overlap in activities that could be rationalized; and

  - collaboration is necessary or desirable for an outcome that is more than the sum of its parts;

- to share information on the issues their organizations are confronting in execution of their mandates as relevant;

- to advocate common principles to parties outside the CC where useful or necessary and as agreed by the CC;

- to resolve disputes or disagreements about and among participants on coordination issues;

- to propose services that the Digital Affairs Coordination Service (DACS) can offer to stakeholders participating in policy activities related to the DACS' mandate across its member organizations and the wider public interested in digital environment policy;

- to provide an annual evaluation of the activities of the DACS to the director-general of the UN Office in Geneva for publication, including a facility that allows for comments on the report to be taken from interested stakeholders; and

- participation and accreditation in members' processes: one of the CC's priorities should be to look at the various mechanisms for participation of stakeholders through the exchange of best practices and by identifying opportunities for facilitating participation, especially for stakeholders from developing countries and LDCs. Ideally, the CC should have a standing committee dedicated to these questions. Given the cost of physical participation in meetings, considering how to facilitate meaningful participation by stakeholders at a distance using electronic tools should be a priority.[42]

Key Principles

- Non-policy making: the CC is not a policy-making body; decisions reached by the CC can only be implemented by the members acting within their own organizations;

- respect for mandates: decisions of the CC may not compromise organizations with respect to their own mandates;

- ownership: that all organizations have an equal ownership of the CC and its subsidiary bodies and the decisions they reach;

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41   See http://londonactionplan.org/ and www.m3aawg.org/.

42   It is understood that each institution is responsible for stakeholder participation directly in its activities; this process would address participation in related activities across institutions.

- overall objective: to support effective policy making and implementation activities through mutually agreed coordination involving member organizations;

- subsidiarity: that decisions will be taken at the most appropriate level as agreed by CC principals;

- impartiality of the secretariat: the secretariat does not represent the interests of any one organization or group of organizations; and

- transparency: the activities of the CC should be public by default with any redactions from minutes of meetings kept to the minimum necessary for legal requirements or best practices with respect to the privacy of individuals.

Membership

As mentioned above, the CC should be composed of organizations or processes with a mandate for international policy making or policy implementation that impacts upon the digital environment at the international level.

The CC's overall objective is inclusive coordination, while maintaining a relatively limited number of "members" to ensure functionality and focus.

Membership is subject to continuous review and new members are accepted on a case-by-case basis. Organizations aspiring to become members would be encouraged to contact the CC secretariat. The CC may set any criteria for membership that it may deem useful from time to time, provided it publishes the same and seeks comment on the criteria it decides upon when changes are proposed.

The CC should operate under terms of reference (ToR) that may be amended as required from time to time; it should seek comment in advance from stakeholders, where appropriate, when revisions are proposed.[43]

Secretariat

The CC secretariat is responsible for providing technical support and servicing the meetings of the CC and its subsidiary bodies as well as monitoring the implementation of its decisions.

In general, the CC secretariat is tasked with:[44]

- proactively maintaining communication channels among organizations;

- collating and suggesting possible future agenda items on an ongoing basis;

- preparing an annual work plan for the CC based on decisions taken at its annual meetings;

- facilitating preparations for each meeting of the CC principals and subsidiary bodies;

- facilitating regular and ad hoc meetings of the same;

- disseminating minutes and records of meetings and decisions taken;

- monitoring the implementation of CC and subsidiary body decisions; and

- supporting the chairs of the CC bodies in highlighting and fostering connectivity and collaboration between the members and their designated representatives in the CC's work overall.

The secretariat of the CC should require only a handful of people. By way of comparison, the equivalent body of the OCHA consists of eight persons.[45]

Relationships and Cooperation

To the extent useful and agreed by the CC, the activities of the DACS should (within its remit) assist other environments and processes where very broad discussions of international Internet-related public policy take place. The best way to understand what is meant is to use examples; below are two. It is true that the depth of cooperation in the examples provided would likely allow only a limited number of such engagements each year for resourcing reasons.

Working with the IGF

As the IGF is the main global discussion forum that brings together all Internet stakeholders across all issues, links between the IGF's and the DACS' activities are important. The following are suggested as ideas for engagement by DACS in the IGF's annual meetings:[46]

- A meeting of the CC at the principals level could be held at the IGF, open to all IGF attendees.

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43   The OCHA's ToR would seem a useful basis for drafting of an initial ToR for the CC. See www.humanitarianinfo.org/iasc/downloadDoc. aspx?docID=6700&type=pdf. The phrase "seek comment" could mean that the existing members would consult their own members and stakeholders, or comment could be taken by the DACS itself more broadly, or both.

44   It is understood that the secretariat's objectives and ToR may be modified by the CC.

45   See "The Team" at the bottom right of www.humanitarianinfo.org/ iasc/pageloader.aspx?page=content-contact-default.

46   It is worth highlighting that a number of these proposals are taken from UNCTAD (2012). It is certainly the case that these functions could be addressed by the IGF; to date, the funding of the IGF has been insufficient to implement these measures. Allowing a DACS to work as proposed would help the IGF considerably without cost to the IGF itself.

- Focus sessions could be held by the DACS to allow all IGF attendees to understand the DACS' main activities and to take input from IGF attendees on them. For example, creating opportunities at the IGF for attendees to comment on CC proposals to facilitate participation of stakeholders in work streams across thematic subject areas and institutions (see "participation and accreditation in members' processes" point in the Primary Objectives section above) would be a value-add for both attendees and the DACS, especially where it has a focus on facilitating such engagement by developing country and LDC stakeholders.

- Wherever possible, and subject to CC members' internal priorities and resources, it could prove useful to have focus sessions on thematic subject areas that are shared by the relevant CC member institutions (for example, social development, human rights online, cyber security and others).

- Wherever possible the DACS should provide materials on a thematic basis drawn from the Digital Environment Policy Observatory (DEPOt) (see below), which could be of use to IGF attendees.

- Any outcomes of the IGF could be provided to the CC for use as appropriate within CC member organizations. Likewise, the DACS secretariat should ensure that where CC members' activities correspond to subjects raised in the previous year's IGF outputs that this is provided back to the IGF secretariat for onward communication to IGF participants.

Working with the London Process

Of all the thematic subject areas related to Internet policy, cyber security is perhaps the most important priority area across stakeholder communities.[47] Each year a major international conference is held covering all aspects of cyber security as part of what is known as the "London Process."

Here are a few ideas for how DACS could engage with the process:

- At least one meeting of the CC at the principal level could be held during the meeting, open to all attendees as observers.

- Sessions could be organized by the DACS to familiarize interested attendees about current priorities of the DACS and of the CC as they relate to various cyber security issues and to take input from attendees on each. The secretariat can then collate and publish input received for consideration by the CC. For example, creating opportunities at the conference for attendees to comment on CC proposals to facilitate

participation of stakeholders in work streams related to cyber security (see "participation and accreditation in members' processes" point above) would be a value-add for both conference attendees and the DACS.

- Wherever possible, the DACS should provide materials on a thematic basis drawn from the DEPOt for conference attendees. These should make it easy to understand the main activities under way in various aspects of cyber security across CC member organizations.

Additional DACS Services

DEPOt

The DEPOt is the digital environment equivalent of ReliefWeb[48] for the humanitarian community: a single place where all the policy processes, reports, meeting information, and information on how to participate in relevant policy activities is aggregated in one place. It should provide open access to information on activities happening across entities that relate to the same policy area or to interrelated policy areas presented in a common accessible language and format that's tailored to the following audiences, in no particular order:

- government;
- private sector;
- civil society;
- technical and standards community; and
- academia.

An essential element of DEPOt will be ensuring "push" technologies are available so that stakeholders receive information relevant to them as it becomes available. At a later stage, creating a portal that is to digital environment issues as IrinNews is to the humanitarian community may be needed.

In the initial stages, only a handful of staff should be required to create and manage DEPOt. The DACS should seek in-kind contributions or partnerships relevant to the needs of DEPOt to facilitate its deployment at the lowest cost for the highest feature set in the interests of the community who will use it. This should include partnerships with compatible initiatives, perhaps to the extent of largely outsourcing DEPOt where that would best realize the intended outcome.[49]

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47   See footnote 5.

48   See footnotes 12 (second bullet) and 46 for examples.

49   The Global Internet Policy Observatory proposed by the European Union being an example. See European Commission (2014). For a similar project see NETMundial's "Solutions Map" at www.netmundial.org/solutions-map.

Reporting

- Administrative and financial supervision: the director-general of the UN Office in Geneva
- Evaluation of operational effectiveness: the CC, through an annual review by the principals
- Input from stakeholders directly participating in digital policy issues: as decided by the CC from time to time

Additional reporting lines could be accommodated.

Funding

It is the usual practice for UN functions to be paid for by UN member states. While the DACS is administratively and financially within the UN system, it is inherently a public-private hybrid and not purely multilateral. Non-governmental funding should be facilitated and welcomed; ideally at least 50 percent of total funding should come from such sources. It is also essential that funding of any kind should avoid the appearance (or the reality) of undue influence on the DACS or its activities.

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## Global Commission on Internet Governance

The Global Commission on Internet Governance (GCIG) was established in January 2014 to articulate and advance a strategic vision for the future of Internet governance. The two-year project conducts and supports independent research on Internet-related dimensions of global public policy, culminating in an official commission report that will articulate concrete policy recommendations for the future of Internet governance. These recommendations will address concerns about the stability, interoperability, security and resilience of the Internet ecosystem. Launched by two independent global think tanks, the Centre for International Governance Innovation and Chatham House, the GCIG will help educate the wider public on the most effective ways to promote Internet access, while simultaneously championing the principles of freedom of expression and the free flow of ideas over the Internet.
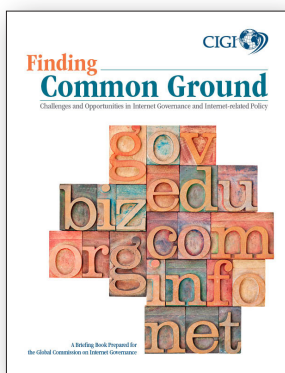
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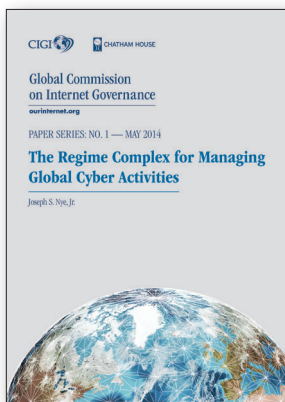
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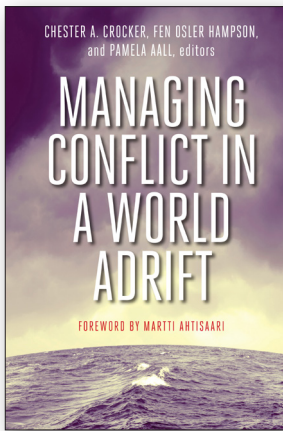*GCIG Paper Series No. 11*
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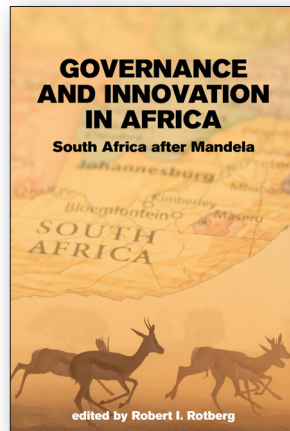
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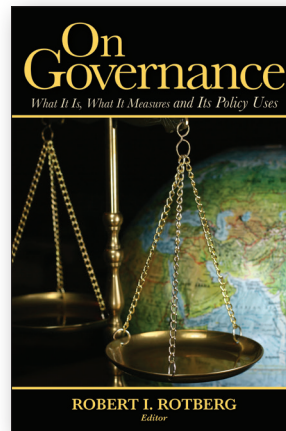
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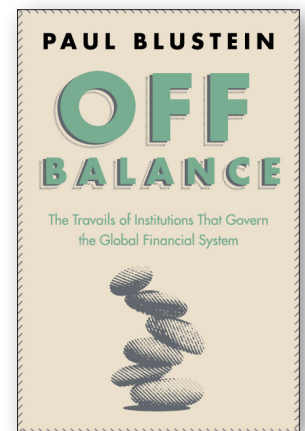
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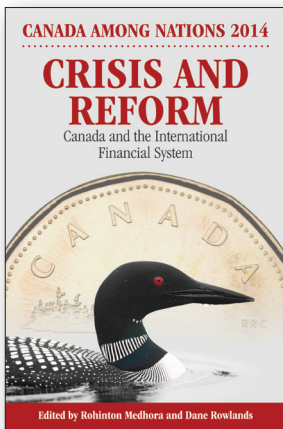
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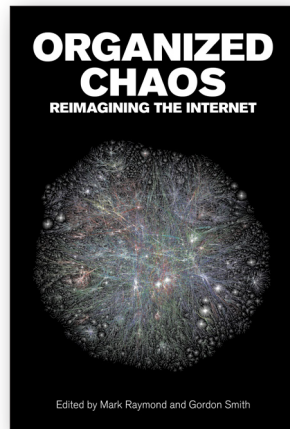
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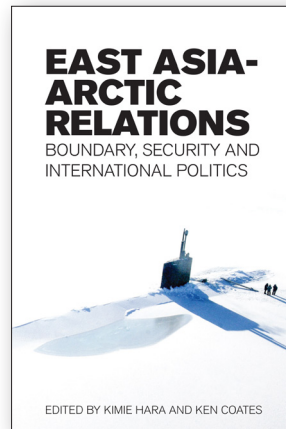
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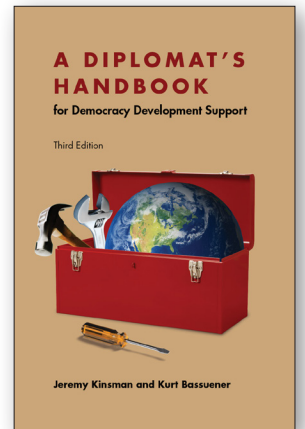
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