Workshop Report

1. Title : Building Local Legal Capacity on Internet Governance

2. Organizers and Panelists

      <u>**Organizers**</u>

♦   David Satola, Senior Counsel, The World Bank
♦   Alfa-Redi www.alfa-redi.org/
♦   Cyberspace Law Committee, Business Law Section, American Bar Association
      www.abanet.org/buslaw/home.shtml
♦   Diplo Foundation www.diplomacy.edu/
♦   Global Internet Policy Initiative www.internetpolicy.net/
♦   Internet Society – Bulgaria www.isoc.bg/
♦   Science and Technology Law Section, American Bar Association
      www.abanet.org/scitech/

      <u>Panelists</u>

Name	Organization	
Ang, Peng Hwa	Nanyang Technical University, Singapore	www.ntu.edu.sg
Barrio, Fernando	London Metropolitan University	www.londonmet.ac.uk
Dandijou, Pierre	UNDP	www.undp.org
Dempsey, Jim	Center for Democracy	www.cdt.org
Dorrain, Kristine	National Arbitration Forum	www.adrforum.org
Greve, Hanne Sophie	Court of Appeals, Norway	
Kurbalija ,Jovan	Diplo Foundation	www.diplomacy.edu/
Markovsky, Veni	ISOC Bulgaria	www.isoc.bg/
Satola, David	Moderator	
Tipson, Fred	Microsoft	www.microsoft.com

3. Discussion

      The workshop focused on building legal capacity of policy makers, legislators, regulators, legal practitioners and users, by exploring the relationship that actions at the national level (laws, judicial decisions, etc) have on the development of international legal norms, as well as the effect of actions at the international level have on the evolution of national laws.

      Mr. Dempsey set the stage for the workshop by mapping substantive legal issues normally associated with Internet Governance against their "national" or "international" character. He stressed the importance of national telecommunications law and regulation as a key issue affecting the whole Internet medium, and that one practical lesson learned in developing national legal frameworks was technology neutrality.

      The workshop then examined three facets of the international legal dimension affecting Internet governance – public international law, other international initiatives, and industry-driven standards and codes of conduct. First, Judge Greve discussed the impact of public international law, using the European Court of Human rights as an example. She emphasized role that different formal, public international law *fora*, conventions and even customary international law play in influencing countries' behavior. The workshop then looked at other international initiatives, such as domain name dispute resolution, played in national governance. Ms. Dorrain

gave examples from the UDRP and raised questions about why countries adopted such rules (and why not), as well as whether reforms in UDRP would be desirable. Finally, Mr. Tipson addressed the process by which industry standards and codes of conduct, for example, are adopted and implemented, stressing the importance of balanced multistakeholder involvement and consultation in their development.

The workshop then moved on to three case studies of development of national frameworks for Internet Governance. In the first case study, Mr. Markovski gave an overview of the bottom-up approach taken in Bulgaria, including, the role that Bulgarian NGOs and civil society played in formulating an approach to addressing Internet Governance issues in the WSIS process. He emphasized the importance of first addressing governance issues locally, and then moving on to international governance issues. In contrast, Dr. Ang noted the top-down, government-driven approach adopted in Singapore, noting that the high level of trust created in the process in Singapore also led to a high level of Internet penetration. Dr. Ang noted the phenomenon of the "first mover disadvantage", and cited examples where early attempts at addressing legal issues such as e-commerce, though path-breaking at the time, may now becoming obsolete and in need of reform. Mr. Barrio spoke about efforts at shrinking the digital divide were policy-driven at the international level, but had the effect of restricting access to content, rather than increasing connectivity. He also observed that, in some circumstances, the development of national legal frameworks were "unwilling followers" of global ICT trends, and that traditional models of capacity building would need to be revisited if they were to be effective. It was noted from the floor that a regional initiative in South America has been successful in bringing together state and non-state actors in evolving regional policy on these issues.

In its final section, the workshop addressed questions of the role that multilateral organizations can play in developing capacity as well as identifying concrete recommendations for addressing capacity building issues. Mr. Dandijou noted a number of international organizations were involved in certain issues affecting Internet Governance, but also noted that national actors could better leverage those institutions to develop national legal frameworks, but that other factors – such as a lack of a common vocabulary – posed limitations. He recommended, in practical terms, that different national actors undertake a coherent approach with these international institutions and emphasized the need for advocacy, knowledge sharing and coaching as a way to better articulate their positions. Mr. Kurbalija that noted that capacity building is not a one-size-fits-all proposition and described different capacity building programs tailored for different needs. He also emphasized the fundamental importance of inter-professional communication in developing Internet governance frameworks – different actors need to engage with each other - governmental actors, technologists, civil society and academia – in a dynamic way.

5. Possible follow-up

The Panelists will be preparing an expanded summary of the proceedings of he workshop suitable for publication, and plan to make an audio archive of the workshop available at one or more websites. The workshop organizers will also continue to liaise with the IGF secretariat in the hopes of expanding the themes discussed in the workshop at future Internet Governance Fora.

6. Useful links : See links next to Organizer's and Panelist's names, above.