

*Working Draft*

**The Internet Governance Forum (IGF)**

**Second Annual Meeting**

*Rio de Janeiro 12-15 November 2007*

Conference Room Paper

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Prepared by the IGF Secretariat

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## **I. Introduction**

1. The inaugural meeting of the IGF was held in Athens, on 30 October – 2 November 2006. As a follow-up to that meeting the Secretariat issued a call for contributions on the IGF Web site on 11 December 2006 with the aim to take stock of the Athens meeting, assess what worked well and what worked less well and make suggestions with regard to the preparation of the meeting in Rio de Janeiro. An online form was also posted to facilitate the process. To stimulate the discussion, the Secretariat set up an online forum on the IGF Web site. 813 users joined the forum and seven active discussion threads were developed on the four broad themes of the Athens meeting as well as on how to improve remote participation.

2. As a first step for preparing the Rio de Janeiro meeting, a stock taking session took place on 13 February 2007. A synthesis paper was produced as an input into the February meeting. The paper addressed both the things that worked well and those that worked less well in the inaugural meeting of the IGF.

3. The preparatory process for the second meeting of the IGF was conducted in an open, inclusive and transparent manner. A first round of public consultations, open to all stakeholders, was held in Geneva on 16-17 February. From these consultations emerged a draft programme and schedule for the second meeting of the IGF. The consultations allowed all stakeholders, including individual participants with proven expertise and competence, to take part on an equal footing.

4. As with the first year, there was a general view that the IGF needed to maintain an overall development orientation. Capacity building was the most frequently addressed issue in the public consultations and was addressed in several of the contributions. It was presented not only in terms of the growing consensus for its priority in enabling meaningful participation but also as a specific policy issue. When looking at capacity building, it was pointed out that access to education, culture and knowledge was a recognized human right. The necessity of fostering the ability of all stakeholders from all countries to participate in the process of Internet governance was also pointed out. It was suggested that explicit action should be taken to explore the offering of relevant Internet Governance educational resources online.

**5. The second IGF meeting to be held in Rio de Janeiro will include the four themes from the first meeting in Athens Greece as well as one additional theme. Specifically, these are:**

- Critical Internet resources;
- Access - Internet connectivity: Policy and cost, dealing with the availability and affordability of the Internet including issues such as interconnection costs, interoperability and open standards;
- Diversity – Promoting multilingualism, including IDN, and local content;
- Openness - Freedom of expression, free flow of information, ideas and knowledge;
- Security - Creating trust and confidence through collaboration, particularly by protecting users from spam, phishing and viruses while protecting privacy.

6. The programme for the second IGF meeting will also include a session on emerging issues.

7. On 20 August the mandate of the Advisory Group was renewed. The UN Secretary-General's Special Adviser for Internet Governance Nitin Desai, and Hadil da Rocha Vianna, Director for Scientific and Technological Affairs in Brazil's Ministry of External Relations, representing the Host Country, were appointed as co-chairs of the Advisory Group. The 47 Advisory Group members serve in their personal capacity. They have been chosen from governments, the private sector and civil society, including the academic and technical communities, representing all regions.

8. This background paper is conceived as an input into the discussion of the second IGF meeting. It is organized in terms of the five broad key themes of the Rio de Janeiro meeting. It summarizes the 28 submissions that were received from 12 different contributors prior to the consultations of 3 September. It also draws on earlier contributions and papers and will be completed following the consultations. This paper does not necessarily cover every argument in every submission; all the submissions can be found, in full, on the IGF Secretariat Web site:

<http://www.intgovforum.org/contributions.htm>

## **II. General aspects**

9. There was a general recognition that the first IGF meeting in Athens, Greece, had been an effective beginning that should be built upon. One commentator<sup>1</sup> commented that the emergence of shared best practices and the dynamic coalitions provided testimony to its success.

10. Issues surrounding the nature of Internet governance were raised by several of the contributions to the IGF consultation process. These contributions focused on several themes, in particular the general organizational setting of existing Internet governance mechanisms, the processes they invoke as well as the management and tasks of Internet governance organizations.

11. Several of the comments received during the course of the year discussed the ways in which Internet governance mechanisms could only be understood in a broader set of issues and international and national policy frameworks. For example, one<sup>2</sup> contribution pointed out that Internet Governance, for its members, incorporated the principles and frameworks which are designed to ensure development of the Internet and the Information Society. Thus, Internet governance issues embrace The European Convention on Human Rights and other Council of Europe instruments, like the Cybercrime Convention, which provide a framework for examining State responsibilities and guiding State policies.

12. One Intergovernmental Organization<sup>3</sup> expressed the view that Internet governance must be governed in all respects by human rights, particularly the freedom of expression.

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1 Nippon Keidanren

2 Council of Europe (CoE)

3 CoE

13. The role of the IGF was debated in several of the submissions. Some<sup>4</sup> emphasized that the IGF mandate was clearly set out in the WSIS Principles and Tunis Agenda. A government contribution<sup>5</sup> emphasized the importance of focusing “on the public policy issues related to Internet governance in accordance with the mandates of IGF as tasked by the Tunis Phase of World Summit on the Information Society (WSIS)”<sup>6</sup> with a special focus on the issue of critical Internet resources.

14. One contribution<sup>7</sup> called the IGF “the only truly global and democratic forum for multi-stakeholder participation in Internet Governance, and that it should, therefore, be strengthened and made more effective in a manner that it is able to fulfil all parts of the Tunis mandate.”<sup>8</sup> The comment also stated that the IGF should not be diluted by fears that it could be a method for a governments’ takeover of the Internet.

15. There was some concern expressed in the consultations about the balance of interests in a multi-stakeholder environment. Some argued that the IGF could be in danger of being captured by dominant political and business interests<sup>9</sup>. To prevent that, they argued that the IGF should focus on the development issues surrounding the Internet as a public infrastructure with a strong public goods perspective. One contribution<sup>10</sup> stated that there had been little discussion about the definition of a development agenda. Identifying the development agenda with capacity building was inadequate as this just helped to reinforce the status quo.

16. One contribution<sup>11</sup> wrote about discussions in Africa that emphasised the importance of localizing Internet governance. The localization would enable not only the expression of local concerns, but would help in bringing these perspectives to international attention. There was also a strong concern for ensuring the multi-stakeholder nature of the communities at the local level, as well as at the regional and international levels.

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4 e.g. China, IT for change

5 The People's Republic of China

6 Comments on the Draft Programme Outline for the Second Meeting of the Internet Governance Forum (IGF) By the People’s Republic of China, 27 Aug. 2007

7 IT for change

8 Four Critical Issues for the IGF from a Southern Perspective, IT for Change, page

9 IT for Change

10 IT for Change

11 ISOC

### **III. Institutional aspects**

17. Several structural recommendations for the IGF were made in one contribution<sup>12</sup>. The first of these involved including a thorough self assessment and self examination of the IGF, conducted in an open and transparent manner, as a regular exercise at IGF meeting. It further recommended that the IGF develop a process for making recommendations. The contribution stated that this was mandated not only by the Tunis Agenda but was integral to the Working Group on Internet Governance (WGIG) recommendation for an IGF. It emphasized that it was important to consider the WGIG report in reviewing the IGF function because the WGIG report, unlike the Tunis Agenda was the product of consensual multi-stakeholder authorship. It recommended that the IGF work towards a multi-stakeholder ‘standing IGF committee’ (or working group) along the lines of the WGIG, which would give regular, non-binding recommendations on different Internet Governance issues. This body could follow the WGIG model of providing a consensus-based recommendations report, and of placing other strong points and proposals that do not get complete consensus into a background paper.<sup>13</sup>

18. Several contributions from the business sector<sup>14</sup> commented that the reason for the IGF's success to date was because it did not attempt to make decisions, but rather allowed for open discussion by all stakeholders in an open atmosphere. One contribution<sup>15</sup> pointed to the “value of the IGF is its open and informative nature, allowing a variety of views to be expressed, and the full range of experience and expertise to be shared so that all can continue to learn more about how to use, grow and expand, and protect the key communications and information resource that the Internet has become. As such, the first recommendation we would make is that the organizers ensure that the IGF remain consistent with its mandate for facilitating a dialogue and not engaging in the negotiation of formal documents.”

19. An individual contribution<sup>16</sup> contained an extended analysis of the theoretical basis for collective decision making in the context of the reform of Internet Governance. His contribution also produced a report card of the IGF's first year and recommendations for ways in which the IGF could be improved. Specifically, his recommendations, based on his analysis of the “specific roles of policy setting and coordination that are inherent in the IGF's function as a governance network, as well as being mandated by the Tunis Agenda”<sup>17</sup>, included the following points:

- The plenary should be reorganized to be less of an annual event and more of a process that would coordinate intersessional and regional events. Additionally, greater online and remote participation, including discussion and deliberation should be possible, with assistance provided to enable a greater number of participants from developing countries
- There should be “institutional checks and balances to ensure the structure of a dynamic coalition” and “formal mechanism by which reports or recommendations by the dynamic coalitions could be received by the IGF’s plenary body as an input

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12 IT for change

13 ibid

14 e.g., Information Technology Association of America (ITAA), Nippon Keidanren

15 ITAA

16 Jeremy Malcolm

17 Recommendations for the Internet Governance Forum , Jeremy Malcolm, 10 august 2007, page 39

- to its policy-setting role.”<sup>18</sup>
- A call for a new, democratically or consensually appointed multi-stakeholder body. This new body would be responsible for many of the activities currently done by the Advisory Group and the Secretariat, including the preparation of the agenda, programme and synthesis papers. It would also be responsible for creating background briefing reports that would be used by the plenary and would produce responses to the substantive issues, based on its assessment of the consensus within the plenary. This group would also be responsible for choosing the Secretariat and any necessary Advisory Groups. The multi-stakeholder body itself could be selected by a form of nominating committee process that would select “a balanced group of individuals appointed as representatives of their stakeholder groups, who are to deliberate on its operational programme together, but to exercise a power of veto of its formal recommendations within the stakeholder groups.”<sup>19</sup>

20. One contribution<sup>20</sup> recommended that if changes were to be made to the Advisory group, that they be made ensuring geographical balance and diversity, for example in gender. It also stated that any appointed advisers to the either of the co-chairs be announced, and that their responsibilities be clearly defined in a transparent manner. The contribution also stated that as no single advisor could fully represent the concerns of a stakeholder group, it was important that members of the Advisory Group understood that they needed to reflect the views of a wide segment of the community from which they were selected.. The contribution also recommended that any changes in the composition of the Advisory Group be open to discussion and consultation.

21. A survey taken within the membership of an Internet community stakeholder<sup>21</sup> ”expressed a range of ideas to help localize Internet Governance discussions so that national stakeholders have the opportunity to share their ideas at IGF meetings, and to encourage IGF leaders to structure discussions at the national level (bottom- top process)”.

#### **IV. The five broad themes of the inaugural IGF meeting**

##### **A. Critical Internet Resources**

22. A government contribution<sup>22</sup> made some concrete proposals:
- The inclusion of capacity training in the details of the management of critical Internet resources should be part of the IGF agenda. This could be done by the relevant stakeholders currently responsible for the mechanisms and structures involved in the status quo of the current administration of critical resources.
  - That all stakeholders, especially governments, use the platform of the IGF to discuss the participation in the public policy issues of the governance of critical Internet resources. These discussions should reflect “fully the principles of multilateralism, democracy and transparency of Internet

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18 ibid page 43

19 ibid page 45

20 ITAA

21 Internet Society

22 The People's Republic of China

- governance.”<sup>23</sup>
- There should be a discussion on the distribution of Internet addresses “within the IGF framework on how to ensure the equitable access by all countries to IPv6 address resources and how to promote balanced development of future Internet in all countries particularly developing countries during the transition from IPv4 to Ipv6.”<sup>24</sup>
- There should be discussions concerning the issue of “equitable addition, deletions and adjustment of gTLDs.”<sup>25</sup>

23. Several of the contributions<sup>26</sup> supported a broad concept of critical resources, At the same time, all of the contributions that wrote of Critical Internet Resource issues underscored the importance of names and numbers.

24. One contribution<sup>27</sup> stated that the governance of critical Internet resources had significant public policy implications. When private organizations, for example the Internet Corporation for Assigned Names and Numbers (ICANN), were responsible for these resources, especially the resources that concerned state public policy concerns, these organizations became agents of the state and should be subject to state regulation and oversight. They also wrote that ICANN, which is currently only answerable to the United States, should be answerable to the international community at large.

25. One contribution<sup>28</sup> recommended that “the political assumptions and objectives of exiting structures and processes” in governance of critical Internet resources be examined. An examination needed to be undertaken of the political assumptions and objectives of exiting structures and processes of such governance, including an examination of who the beneficiaries are from the status quo. The very nature of issues involved in the governance of critical Internet resources needed to be discussed. Such a discussion needed to examine the nature of technical issues versus public policy, the nature of their overlap/ interface, as well as their appropriate institutional mechanisms.

26. Another contribution<sup>29</sup> commented that the current private sector arrangements for Internet operations and management were working well and should not be changed. They also commented that since ICANN was still under a Memorandum of Understanding (MOU) with the United States, a way to achieve greater neutrality and to promote global management of the Internet should be discussed. The contribution emphasized that IGF should not have any oversight role.

## **B. Access**

27. Many speakers during the preparatory process pointed out that the IGF that, despite the rapid spread of the Internet, five billion people remained without access to this

<sup>23</sup> Comments on the Draft Programme Outline for the Second Meeting of the Internet Governance Forum (IGF) By the People’s Republic of China, 27 Aug. 2007

<sup>24</sup> *ibid*

<sup>25</sup> *ibid*

<sup>26</sup> e.g., ICC/BASIS

<sup>27</sup> Council of Europe

<sup>28</sup> IT for Change

<sup>29</sup> Nippon Keidanren

important tool for economic growth and social development. They recalled that access could, therefore, be the single most important issue to most people, in particular in developing countries.

28. One contribution<sup>30</sup> wrote that achieving the public service value of the Internet required universal and affordable access to ICT infrastructure for all. In their view this required a stable legal and regulatory structure that made it safe for businesses to invest. They also called on states to provide public access points to provide a “minimum set of communication and information facilities, in accordance with the principle of universal community service”.<sup>31</sup>

29. Another contribution<sup>32</sup> indicated that building out the infrastructure was indispensable for bridging the digital divide especially in rural areas. They also recommended that any build out of infrastructure be accompanied by education on ways of using the Internet

30. One stakeholder contribution<sup>33</sup> put emphasis on the importance of the 'Access to Access theme' with the context of access to knowledge. They wrote that without capacity building in the fundamental skills necessary to use the technology the Internet brings, “considerable portions of the population [that] would never have access.”<sup>34</sup>

31. There was one report<sup>35</sup> from an Internet Governance session held at a meeting held in Abuja, Nigeria in May 2007. Speakers at this meeting spoke of the importance of encouraging regulatory reform at the local level in order to enable “a more conducive and lower cost access environment.”<sup>36</sup>

32. A contribution from the business community<sup>37</sup> wrote of the importance of the public sector recommendations from the WTO in establishing the correct regulatory and political environment for the deployment and public adoption of a broadband infrastructure. Elements of this policy included telecommunications liberalization as well as pro-competitive regulations for basic telecommunications. They also discussed the importance of ensuring efficient and effective use of radio spectrum which could involve removal of government restrictions on the services that can be used on certain frequencies and the elimination of artificial spectrum scarcity. In the case of rural, remote and other under accessed services, this contribution supports government policy to provide such access, including some subsidizations for rural or lower income customers, if these are pursued in a transparent and competition neutral manner and through the use of general tax revenues or tax incentives.

## C. Diversity

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30 Council of Europe

31 Building a Free and Safe Internet; Council of Europe Submission to the Internet Governance, Rio de Janeiro, Brazil, 12 to 15 November 2007, page 13

32 Nippon Keidanren

33 Internet Society

34 Findings from the Internet Society's Internet governance session at the INET meeting in Abuja, Nigeria, 4 May 2007

35 *ibid*

36 *ibid*

37 ICC/BASIS

33. While it was generally applauded that by now almost one billion people use the Internet, it was also pointed out that many of these people could not read or write in English, and they used languages that do not use the Latin alphabet. It was generally recognized that people everywhere should be able to use the Internet in their own language. A multilingual Internet would foster an inclusive, democratic, legitimate, respectful, and locally empowering Information Society.

34. One of the contributions<sup>38</sup> discussed the importance of promoting and protecting locally developed content, including content that is not commercially viable, as a means of increasing the diversity on the Internet. They also discussed the importance of language communities in developing multilingual content, including content in indigenous and minority languages.

35. Several contributions discussed the importance of Internationalized Domain Names (IDN) as essential for continued Internet development. One<sup>39</sup> indicated that “a multilingual environment will increase local interest in Internet content and increase the possibilities for all language groups to share and access information in their own languages”.

36. Another of the contributions<sup>40</sup> suggested that stakeholders should share technology and know how to help the elderly and people with disabilities to use the network without the stress they normally experience in dealing with the Internet.

37. One contribution<sup>41</sup> stated that the introduction of IDN could become mired in many problems that could adversely affect business and consumers alike. A major concern involved the confusion that might occur across language, or script, boundaries. These confusions could affect consumer trust of trademarks and make protecting the intellectual property rights prohibitively expensive for business. Concerns also extended to the fraudulent use that could be done in the case of confusion used for phishing attacks. Another major concern for the business community was the need to maintain a single domain name space across various language and script boundaries.

#### **D. Openness**

38. Throughout the preparatory process, many speakers and contributors highlighted the importance of openness as one of the key founding principles and characteristics of the Internet. The open nature of the Internet was seen as part of its uniqueness, and its importance as a tool to advance human development. It was emphasized that the Internet provided for a robust and unencumbered exchange of information, and welcomed millions of individuals as users from all corners of the world. Internet users traded ideas and information and built on both, thus increasing the wealth of knowledge for everyone, today and in the future. The openness of the Internet was also seen as a key feature to ensure its stability and security.

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38 Council of Europe

39 ibid

40 Nipon Keidanren

41 ICC/BASIS

39. Many have pointed out that the Internet makes it possible for more people than ever before to communicate and therefore to express themselves. Access to knowledge and empowering people with information and knowledge that is available on the Internet was seen as a critical objective of an inclusive Information Society and to continued economic and social development.

40. Several contributions<sup>42</sup> stressed the importance that the Internet be underpinned by the democratic values of openness and accessibility.

41. One stakeholder<sup>43</sup> commented that while government regulations should be created against content that infringed on trademarks or privacy, there should be cooperation between governments and self-regulation on harmful content such as obscenity. Self-regulation in Japan, for instance, had been effective in finding an effective balance between the protection of copyright and privacy, and freedom of opinion and expression.<sup>44</sup>

## **E. Security**

42. Many contributors and speakers throughout the preparatory process emphasized that Internet security was a key element of building confidence and trust among users of ICTs. They argued that the Internet had the potential to enable users to access and generate a wealth of information and opportunity. Achieving the Internet's full potential to support commercial and social relationships required an environment that promoted and ensured users' trust and confidence and provided a stable and secure platform for commerce.

43. One of the submissions<sup>45</sup> explained that because users were entitled to security, they would ultimately hold the state responsible for a security failure in the Internet. There were concerns<sup>46</sup> that security issues in the Internet would erode the confidence that users needed in order to do business, for example buy goods, on the Internet. This was tied into a notion of trust in the Internet, though the notions of trust were broader than just security and extended to the idea that the Internet was a space of freedom that people could use with confidence.

44. A contribution from the business community<sup>47</sup> wrote that the main role for government was to raise awareness and promote a culture of Internet security that balanced the responsibilities of users and businesses. Business remained committed to fighting cybercrime.

45. Several of the contributions discussed the issues of web security, especially in regards to children's safety.

46. A contribution<sup>48</sup> also included a recommendation for the applicability of various

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42 e.g., The Council of Europe

43 Nippon Keidanren

44 Proposals to Synthesis Paper, Nippon Keidanren

45 The Council of Europe

46 CoE and ICC/BASIS

47 ICC/BASIS

48 CoE

international conventions such as:

- on cybercrime,
- on prevention of terrorism,
- on protection of individuals and automatic processing of personal data,
- on action against trafficking in human beings,
- on the protection of children against sexual exploitation and sexual abuse.

47. One contribution<sup>49</sup> wrote that education for responsible use of the network was a major challenge. Several contributions included the concern that people should be educated in using the Internet safely and with respect for others. There was also a concern that education should extend to other issues on Internet security such as the activities of Computer Security Incident Response Teams (CSIRTs).

48. One contribution<sup>50</sup> wrote that national and regional efforts may not be enough to deal with problems such as email virus distribution or cybercrime. The cross border nature of cybercrime made dealing with it especially difficult, making this an issue that requires international cooperation on best practices and international response mechanisms like the Forum of Incident and Security Teams.

49. A contribution from a university<sup>51</sup> recommended a solution for protecting children on the Internet from pornography and predators. The solution would involve zoning Internet ports so that all pornography would be kept off the port normally used for web traffic, but would rather be moved a port specifically designated for adult traffic. The proposal explained that based on the Declaration of the Rights of the Child, zoning of the Internet was justifiable in the defence and protection of children.

50. Another contribution<sup>52</sup> proposed that ICANN accept responsibility for controlling online illegal content and for protecting children from Internet pornography. Their proposal built on the responsibility that ICANN has for the domain name system (DNS), and the fact that ICANN has already taken broader responsibility for creating and administering policy beyond its technical and operational role. Specifically the proposal includes using the existing structure of contracts, MOUs and policies to help countries in carrying out their regulation of pornography.

51. One contribution<sup>53</sup> stated that direct action by governments in the interception and monitoring of Internet content may compromise the overall security and confidence of users in the Internet. It recommended a policy of self regulation with voluntary labelling as an alternative to legislation. In case where legislation was absolutely necessary, the contribution recommended that the legislation be clear, precise and narrowly focused to those abuse areas requiring such legislation, as unnecessary legislation had what was termed a chilling effect on the Internet as a tool for business and for promoting economic development. Additionally, such legislations should not place undue burdens or costs on business and should limit the liability put on Internet service providers.

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49 CoE

50 Nippon Keidanren

51 Brigham Young University

52 Cheryl Preston and Brent A. Little

53 ICC/BASIS

*[to be completed after the consultations of 3 September 2007]*

## Annex

### List of Submissions

1. People's Republic of China; Comments on the Draft Programme Outline for the Second Meeting of the Internet Governance Forum (IGF)
2. Council of Europe - Building a Free and Safe Internet
3. International Chamber of Commerce/Business Action to Support the Information Society (BASIS)
  - General - Further updated ICC matrix of issues related to the Internet and organizations dealing with them May 2006. This matrix is the updated version of the 13 September 2004 ICC matrix on these issues
  - Openness
    - ICC policy statement The impact of Internet content regulation, November 2002
    - ICC policy statement on Regulating the Delivery of Audiovisual Content over the Internet
  - Security
    - ICC Framework for consultation and drafting of Information Compliance obligations
    - ICC toolkits
      - Assurance for executives
      - Privacy toolkit
      - Securing your business
    - 'Spam' and unsolicited commercial electronic messages ICC policy statement, December 2004
  - Access
    - Telecoms Liberalization Guide
    - Policy statement on Broadband Deployment
    - Storage of Traffic data for law enforcement purposes
    - ICC policy recommendations on global IT sourcing
    - Policy Statement on Open Source Software
  - Diversity
    - Issues paper on Internationalized Domain Names
    - Policy Statement on Open Source Software
4. Internet Society (ISOC) - Internet governance priorities: findings from the ISOC INET meeting in Abuja, Nigeria

5. Information Technology Association of America (ITAA) - Input for the IGF in Rio 2007
6. IT for Change - Four Critical Issues for the IGF, Rio, from a Southern Perspective
7. Nippon Keidanren (Japan Business Federation) - Substantial Contribution to the Internet Governance Forum
8. Cheryl Preston, Professor of Law, and Brent A. Little, Brigham Young University - ICANN can: Contracts and Porn Sites
9. Christopher R. Reed, M.P.P Candidate, Gerald R. Ford School of Public Policy, University of Michigan; Cheryl Preston, Edwin M. Thomas Professor of Law, Brigham Young University; Scott R. Rasmussen, J.D. Candidate, Brigham Young University - Children and Internet Pornography: The Nature of the Problem and the Technologies for a Solution
10. Jeremy Malcolm - Recommendations for the Internet Governance Forum
11. Joanna Kulesza, PhD student at the faculty of Law and Administration, University of Lodz, Poland - New Technologies and the Need for a Uniform Legal System
12. Longe, O.B., University of Ibadan, Nigeria; Chiemeka, S.C., University of Benign, Nigeria; Longe, F.A., Lead City University, Ibadan, Nigeria - Intermediary mediated Cybercrime: Internet Access Points and the Facilitation of Cybercrimes in Nigeria