

## Contribution of Professor Roy Balleste<sup>1</sup>

12 January 2010

### Comment on the Agenda and Format of the IGF Vilnius meeting Suggestion of Special Session on IGF Future

Dear IGF Secretariat and Multi-Stakeholder Advisory Group,

This contribution's main objective is to propose an additional session (call it a special session) titled: "IGF Future" at the IGF meeting in Vilnius. The Internet Governance Forum has been a brilliant idea.<sup>2</sup> The forum has been a levelled "playing field" for all stakeholders and has demonstrated its capacity to promote debate and analysis for all participants. If there is any kind of impediment to its continuation, then this issue must be a high agenda topic at the next IGF meeting. Perhaps, this topic could be addressed, albeit independently, in conjunction with the "IG in the Light of WSIS Principles" session.

I advocate the extension of the IGF mission for two important reasons. First, this is a debate without an expected immediate conclusion. Who should govern the Internet? This is an era of change and interesting possibilities in the ambit of international law. The IGF, as a deliberative process, has provided clarification of issues and has served as an educational medium to all interested individuals. While the Internet root continues under unilateral control, for the most part, the recent "Affirmation of Commitments" of 30 September 2009 promises greater and broader participation and oversight over the activities of the Internet Corporation for Assigned Names and Numbers. This is a step in the right direction, but it is not the end. This is an issue that needs to be further analyzed and discussed in the Forum.<sup>3</sup>

The second consideration is one of human rights. At the open consultations on 13 May 2009 in Geneva, the discussion turned toward considering the need to extend the mission of the IGF beyond its five years mandate. This discussion continued at Sharm

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<sup>1</sup> Roy Balleste is Director of the Law Library and Associate Professor of Law at St. Thomas University School of Law, Miami Gardens, Florida, U.S.A. Professor Balleste has concentrated his scholarship on the areas of internet governance and human rights. The content of this contribution does not necessarily represent the view of St. Thomas University or of any other organization.

<sup>2</sup> Tunis Agenda for the Information Society (WSIS-05/TUNIS/DOC/6(Rev. 1)-E), paragraph 72.

<sup>3</sup> Tunis Agenda for the Information Society, paragraph 73.

El Sheikh. The withdrawal of support for its extension would hold two great dangers. First, unless the IGF participants conclude all relevant discussions within the next year, to end the Forum would leave unresolved issues. So far, the IGF, via its participants, has produced an enormous amount of information as to how the Internet works, how it can be improved and how it is governed. The second danger is one of exclusion. Access to the Internet continues to be unequal around the world.<sup>4</sup> This development is incompatible with the principles that created the IGF in the first place.<sup>5</sup> Indeed, the value of the IGF is in the harmony found as all stakeholders such as governments, businesses, educators, scientists and organizations have met to discuss the future of the governance of the Internet, while considering how to ensure that the outcome of the discussion trickles down to every citizen in the world.<sup>6</sup> I applaud the United States government for declaring, at the 13 May 2009 consultative meeting, its support for the continuation of the IGF beyond its initial five-year mandate, and for stating that the IGF "has proven to be a one-of-a-kind and valuable venue for international sharing and information dialogue on topics critical to economic, social, and political development."<sup>7</sup> This sentiment was echoed by many participants at Sharm El Sheikh.

The IGF will require a review as foreseen in the Tunis Agenda, and it is my hope that the process implemented is conducted "in formal consultation with Forum participants."<sup>8</sup> I suggest that a committee be assembled for the early steps of the review process, perhaps under the guidance of the Multi-Stakeholder Advisory Group or the IGF Secretariat, while protecting the multi-stakeholder character of the IGF. This could be considered in the special session I proposed above. Now is the time for international cooperation. As the year 2010 begins, there is no doubt that the IGF must go on beyond the originally established five-year mission. The idea of rotating localities around the world was excellent. It should be implemented by giving other venues the opportunity to host the most valuable internet governance meeting in the world.

The IGF should continue its mandate for another five years also because it is a valuable setting for public policy dialogue on Internet issues. The Internet began with American funding, engineering and vision and it has continued to grow with international support and the input of experts and visionaries from all over the world. All stakeholders should support the extension of the IGF mandate. This is definitely the time for international cooperation. It is high time for the Information Society.<sup>9</sup>

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<sup>4</sup> Tunis Agenda for the Information Society, paragraph 49 and 89.

<sup>5</sup> Tunis Agenda for the Information Society, paragraph 54.

<sup>6</sup> Tunis Agenda for the Information Society, paragraph 80.

<sup>7</sup> See, the transcript of the 13 May 2009 Open Consultations, available at <http://www.intgovforum.org/cms/index.php/the-preparatory-process>. See also, Tunis Agenda for the Information Society, paragraph 55.

<sup>8</sup> Tunis Agenda for the Information Society, paragraph 76.

<sup>9</sup> Tunis Agenda for the Information Society, paragraph 29.

I congratulate the IGF Secretariat and the Multi-Stakeholder Advisory Group for doing an admirable work, and look forward to your kind consideration of my suggestion.

Kind regards,

**Roy Balleste**  
**Law Library Director and Associate Professor of Law**