

IGF Community Public Consultation: Taking stock of the 2018 work programme and 13th IGF and suggestions for 2019 and 14th IGF :

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A) What worked well? What worked not so well?

The IGF was well attended; The presence of the President of France and the UN Secretary General are positive signs that the IGF is progressing to attract high level participation, more in the years to come.

Three days without a Day0 compressed the IGF into a short-duration event. IGF requires four days and a Day0, possibly even a relaxed Day5.

The size of some of the halls were too small to accomodate, and there were Security personnel at the door shutting out participants, including half the total number of participants for the inaugural session. Many of the participants were from overseas, travelled long distance to attend the IGF and were turned away from some of the events and sessions. This was not good.

B) Suggestions for improvements could be made for 2019

Bigger meeting rooms, hall assignments to be discriminated, among other criteria, by pre-registrations for sessions for better predictability of the size of participation for various workshops and open forums; Fewer booths in the IGF village, perhaps limited by more elaborate criteria, or by some form of fair competition for space. Booth aspirants could be encouraged to come together by topic areas or by thematic focus, where possible. Booths could also go visually high-tech, for conveying messages for short span attention.

The variety of formats of sessions hasn't improved much. New formats are required. One possible new format could be styled 'showcase' panel presentations to share how stakeholders are causing Development to happen in various sectors such as Agriculture, Healthcare or Education through the Internet, especially on benevolent models. Informal events to be included / encouraged, and informal space to be made available. The organizers need to look for better cafeteria facilities and also find sponsorships for always-on coffee booths, with some refreshments at intervals, and possibly find hosts for Lunch everyday, and at least for two hosted Dinners with opportunities for informal interactions.

High level panels incorporating time slots for general participant interventions could be organized, more than one session for every IGF on topic areas such as Security or more broadly on the Internet. Also, Workshop organizers could be encouraged to include remote panelists for ease of participation for high level panelists of renown, not known to have attended the IGF, with attention from the Secretariat for technical guidance to panelists especially where the remote panelist is not an Information Technology expert.

Workshop organizers with purposeful proposals could be guided on the task of presenting their proposals. Also, Community / Secretariat level assistance could be rendered to organizers in identifying / inviting participants, especially where the Organizer's wish list include panelists of high stature.

Could be organized as a four day event + a Day0 +an optional, informal Day5

C) Response to the recommendations made by the UN Secretary-General during [his speech at the IGF 2018 Opening Ceremony](#):

The speech by the UN Secretary General Antonio Guterres proposes far reaching evolutionary changes to the IGF. The Secretary General has insightfully listed several improvements. The framework for IGF could indeed extend "*beyond multistakeholder, to also be multidisciplinary*" by including "*philosophers, anthropologists, political and social scientists*". This would indeed cause a confluence of several streams of innovative ideas to make the world a better place to live in.

The Secretary General has stressed the need to include and "*amplify missing voices, to make the digital discussions to move beyond the so-called usual suspects*"; This would help the IGF to examine issues from wide perspectives and generate more creative solutions that would be fair to everyone everywhere. The Secretary General has rightly observed that the "*Discussions on internet governance cannot just remain discussions, but progress to develop Policy, and normative frameworks; that classical forms of regulation do not apply to Internet Governance challenges*"; He has stressed "*non-traditional, multilateral and multi-stakeholder cooperation*" and urged the Internet Governance community "*to be as creative and bold as those who first built the Internet.*" These thoughts, when become action points, would steer the IGF to attain the stature due in the right direction of global progress.

The Secretary General's observations are far-sighted and insightful enough for the MAG to draw up a blueprint for the long term evolution of IGF.

D) Response to President Macron's "call for action" made during his [speech at the IGF 2018 Opening Ceremony](#):

France hosted the IGF, President Macron has provided the support necessary and he is among the first of the Heads of State to attend the IGF; His participation and his call for action are significant gestures for the good of the world. The President's understanding of the impact and importance of the Internet is extensive, and his commitment to pay attention to the various challenges in Internet Governance exemplifies Statesmanship.

He talked about the origins of the Internet and of its incredible impact on the progress, but the Internet threats he repeatedly talked about has caused some discomfort that Internet Community hasn't sufficiently reached out to the Head of State of the Host Country for conversations for perspectives on the nuances of Internet Governance. The text of his speech by the Head of State of France seems to have incorporated unbalanced inputs on Internet Governance issues to result in a speech, in parts, expected more from a culturally distant geography, definitely not from France, and the speech reflected an oblique outlook. *"I deeply believe regulation is needed...regulation...greater regulation...the Internet is much better used by those on the extremes. It is used more for hate speech or dissemination of terrorist content."*

The speech enumerated threats to the Internet, threats from the Internet and eventually appeared to imply concurrence by reference to dystopian notions that the Internet by itself is a threat, *"because it was a way of opening civil society, and the democratic antibodies which are appearing because this space is not correctly regulated"* (from translated text)

This enumeration can be rhetorically endless. The terminology for the first part of the President's speech comes from the Security lexicon. The speech builds up an argument that gathers pace with arguments that capture the imagination of the common man, such as *"Internet we take for granted is under threat...is profoundly threatened... the Internet is threatened by its content and the services it provides... provides fertile ground for the development of criminal organizations and terrorist propaganda"* (He did say *"the seeds of democratic springs, climate protests, drives for women's rights, germinated [on the Internet]"*, a positive reference in the stream of thought of the speech, but Governments are known to be offended by springs and protests.)

The President's speech, in effect, was an overture for Government Control of the Internet, because, *"in the name of freedom we have allowed so many enemies of freedom to advance in the open."* *"If we do not regulate Internet, there is the risk that the foundations of democracy will be shaken"*. The word "threat" appears 14 times and "regulation" appears 19 times to make a case for "greater regulation of activities on the Internet"

In his speech he said *"Our own weaknesses are used much better by authoritarian regimes who exploit these opportunities to penetrate our democracies, try to weaken them while they close off those same opportunities at home.... Not all governments are equal: there are democratic governments and undemocratic governments; some governments are driven by liberal democracy, while there are also illiberal democracies; and lastly, there are non-democracies."*

In some measure, parts of the President's address made some of the participants even from the "illiberal" and "non-democracies" wonder if France is beginning to move away from being a liberal democracy. This was because, his speech overwhelmingly emphasised regulation that would make France not unlike China and in the process lead to reverse the evolution of the Internet.

The President's passionate plea that regulation is needed for the success of the free and open Internet is excessive by the extent of regulatory forays proposed. *"I deeply believe regulation is needed... for the success of a free, open and safe Internet... which I believe in profoundly, enabling the access of all but also enabling us to ensure our values and our ideals are respected there."* The extent of regulation implied, in consequence, would build an Internet that is NOT free, and NOT open, but rather as an Internet of the Government, by the Government, for Government values and ideals.

It is agreed, and desired, that Government intervention is indeed invited at this point of time, but just a little, in certain niches, just for a while. Not so sweepingly as the speech prologues. The Internet would welcome Governments to step in for a while, but please, please do not expand it as an idea for a Security Council for the Internet. That would be a very bad idea. A Government regulated Internet would devastatingly alter the Core Internet Values and it would no longer be the Internet that holds enormous promises across cultures and borders, but would be something else altogether.

He praised *"the community that you are forming [the IGF], which enables the Internet to work, is extremely important at this time"* Elsewhere he talked of the Internet as *"driven by strong, dominant, global private players, [Internet businesses, Internet Community and the Internet Governance Community?], [who] have been impressive stakeholders in this development, that have great qualities"* [But they are] *"Not Democratically elected. I don't want to hand over all my decisions to them"*. His opinion is that the 'Californian' Internet has a *"self-management model, it doesn't really have any governance"*. Not true. It is an Internet Governance process that is an innovative form of participatory governance which is evolutionary above the Democratic processes that have existed for over two millennia. President Macron could view the achievements of this innovative process over the short time span in its its earliest phases of evolution, as a global Governance process with an inherent but unrealized potential for fairness across geographies and cultures, perhaps with just a little more of Government attention free of a geopolitical mindset, that occasionally hurts its progress.

It is impatience with the pace of the evolution of the Internet Governance process that perhaps prompts the President to be persuasive on a dominant role for the traditional multi-lateral regulatory processes: *"the weaknesses and cracks in the system are currently only paved over by the considerable resources provided by states, by cyber defence strategies"* And later in his speech, in the context of data privacy, the President said *"who better than these governments can set the law?"* Not necessarily. Stakeholders from across sectors could bring in innovative

solutions to Internet issues including the conveniently bloated up issues of Security threats. And, the “foundations of democracy” would actually be strengthened by the multi-stakeholder process, not “shaken”.

The regulatory forays proposed embrace prejudicial concepts by erroneous logic and a bizarre rationale, as for instance where the speech admits that *“Net Neutrality is needed to ensure that certain players cannot control Internet access”* but goes on to argue that *“Internet neutrality also enables actors which do not share any of our initial values to spread.”*

President Macron dichotomized the emerging Internet into two extremes: *“a Californian form of Internet, and a Chinese Internet”*... (*“I have great respect for this model, great respect.”*) The Californian model *“doesn’t really have any governance and it is not democratic. The Chinese-style Internet [is] an Internet where the government drives innovations and control...in that Internet, the state has found its place, but it is hegemonic”*. Right. But, if these are the extremes, the French proposal for does not exactly bring about a balance. It almost proposes to reinvent the Internet by replicating the Chinese model in Europe and America - perhaps an Internet where in the “state has found its place”, an Internet that is puritanistic from a control perspective?

After the first part of the speech, there are some really good points (that could still go wrong to lead to unintended consequences). Some of the potentially good ideas include:

It is an excellent idea to build a *“new path where governments, along with Internet players, civil societies and all actors are able to regulate properly.”* (but here again there are preconceived notions of the need and extent of regulation. It would indeed be of value to the whole World if the President moves ahead to lead initiatives to lay this new path for Internet Governance, but arrive at the Roundtable for formative deliberations with a blank mind to receive innovative approaches from across stakeholder leaders.

Tech for Good initiative is potentially a very good initiative. *“What we need to do is learn to regulate together, on the basis that all Internet players, including civil societies, private actors, NGOs, intellectuals, journalists and governments, are co-guarantors”*.

“We need to invent a new multilateralism”. A new multilateralism would be a great invention to open up the multilateral processes for inclusiveness, but ought not to be invented to displace the multi-stakeholder Internet Governance process. The multi stakeholder process needs to evolve alongside, on its own path of evolution, but the Governments could help ensure a balance.

If the President has implied this as a new process to replace the multi-stakeholder process, it is required to be viewed with the skepticism that the President intends Governments to 'mandate' and 'permit' such a process in the style of how the English Government traditionally chartered Businesses, which is shown in product packaging as "By Appointment to Her Majesty, the Queen". Such a new multilateralism would be a controlled multi-stakeholder process, convened and warranted by the State, packaged as:

By Appointment to the Government ?

For progress to continue in Internet Governance, and for overall Development to happen around the world in various Governance areas, Statesmen from progressive Nations may actually have to work on designs to emulate the multi-stakeholder process, seat stakeholders around the table, including those whose views are contrary to that of traditional Government thinking. That would pave way for innovative solutions to seemingly impossible global challenges.

Some of the other suggestions are helpful and valuable: "*the Internet Governance Forum now being directly attached to the United Nations Secretary-General and for it to have its own Secretariat*" and would be a meaningful pursuit of ample value to the Internet Governance Forum. Thank you Mr President.

Of greater significance are the ideas of the "*new collegial method*". If France continues to support the IGF together with Switzerland and Germany in their roles as Host countries, and stay involved high level in the process, it would be an invaluable precedent to help cause continuous progress.

And, yes, the IGF now needs to produce more than just debate and reflection. It needs to reform, it would be of valuable help to have high level Government attention with a liberal outlook, to help the IGF "become a body producing tangible proposals".

Another insightful observation is this: "*The anonymity offered by the Internet should continue to encourage freedom of expression in areas where voices may be stifled, but it must not enable criminals or terrorists to avoid prosecution.*" He calls upon the IGF to propose international standards in future, particularly as regards regulation of illegal or undesirable content. On this complex issue of creating a balance, the speech proposes platform responsibility together with vigilance by civil society acting as a whistle-blower and a check on the actions of governments and businesses. Even if this happens with the participation of the Civil Society, censorship is a road to be tread with great caution, otherwise, not only Freedom of Expression, but all Civil Liberties would be harmed.

“Platforms to be liable. They should meet enhanced obligations...when this content is racist or anti-Semitic, we need to be able to attribute liability and pass laws.” This is desirable, but a difficult proposition, this again requires immense caution because such measures could reduce the Internet to a commercial space of very big players who only could afford the compliance infrastructure required and shut out or altogether eliminate smaller content creators / smaller networks. Regulatory attention to platforms could also include platform openness and interoperability issues.

There are several other valuable thoughts reflected the President’s speech: *“We need trustworthy third parties, we need to work together on what constitutes proof or the truth on the Internet and we need to support democratic and trustworthy third parties, particularly journalists.”* It would be exemplary governance if the World Leaders shape policy considering Civil Society and other stakeholder positions such as International Declaration on Information and Democracy of Reporters Sans Frontieres.

The speech makes positive references to Internet’s *“transformative power”* and calls to act to preserve cultural diversity. In this context he proposes some disruptively positive changes in approach to Copyright law, making a distinction between *“those who create and those who disseminate...benefits in the value chain should continue to be distributed between big structures and start-ups, between companies and self-employed people, between hosts and content producers. But if we do not fight for those creating the content, we do not recognize the differences between them and will never be able to protect cultural diversity properly.”*

There are merits in *“fighting for authors, fighting for copyright...does not go against the Internet”*, but the Copyright Lobby could use this argument to adopt the disseminator business model in ways not easily foreseen by legislators. Copyright excesses have done the world great harm. More attention to the copyright ‘cause’ would cause to monetize more content, entertainment and education alike.

This fight for those who create ought to be balanced by a fight to liberate the Internet from tyrannical copyright excesses (in copyright segments that have excesses) and a fight against legislative patronage for Copyright. Unintended, Copyright laws would get further reinforced to further limit what is shared freely by increasing the burden of copyright. The result would defeat the fight for Education, which is a more important fight that the President spoke about.

As of now, there are barriers to access and bottlenecks for the flow of knowledge even for schools and libraries. Copyright reforms, if the President could throw his weight behind such an effort, could be more focused on drastically limiting the irrational, near-perpetuity of legal time spans for Copyright, more drastically limiting it for any content for education, for knowledge resources such as academic research publications, for news and other copyright segments that necessitate more benevolent policies. If a movie studio earns more revenue in 70 days of a new

movie than in the next 70 years that follow, why not reform time limits to, say, 7 years? Why does a Record Company require copyright for eternity? Why would a newspaper require any more than 7 days of copyright for the day's news article? Does the Academic Community really want to hide its Treatises and Research Papers behind a payment gateway?

The copyright reform initiative could also pay attention to the clever practices of Content distributors to bundle free content with copyrighted content, and help devise avenues for separation of free content freely without invisible indirect revenue to disseminators, for instance, to Cable companies, by clever bundling.

And, yes, *“Competition law itself also needs to evolve in order to take better consideration of the specificities of this new economy.”*

It appears that the proposal for an European digital tax is a geographical (or geopolitical ?) reaction. A different form of global digital revenue pool would be great direction to tread, if it can be creatively designed by good and noble thoughts for the good of the world. The President's train of thoughts that follow would agree with such a global aspirations. *‘We need creativity in the technological field, but we also need it in the fields of ethics, diplomacy, politics and society. ...we need to invent – innovate – new forms of multilateral cooperation that involve not only states, but also all of the stakeholders you represent.’*

Despite the disagreements over the excessive emphasis on regulation, it is adorable that the President has contemplated vividly on various Internet issues. He acknowledges the value of the Internet. *“half of humanity uses it... transformed the way in which people get their information, exchange ideas and create. It has profoundly changed the way in which we produce, consume, work and govern.”*

As the speech observes, the Internet is *“more than a technological change ... a cultural, social, philosophical revolution which has weaved its way into every layer of human activity... changes which have set the stage for huge progress in health, security, culture and education. ... is the emergence of a profoundly new constellation with incredible opportunities, an acceleration of humanity's progress”* This happened **because** the Internet is free and open, because of Permissionless Innovation, innovation NOT wrought with rules and regulations.

High level reform initiatives could have a multiplier effect if the President and like-minded Statesmen reach out and bring in allies to enable and support high level discussions across geographies, across stakeholder groups. In the words of former UN Secretary General that President Macron quoted *“In managing, promoting and protecting [the Internet's] presence in our lives, we need to be no less creative than those who invented it.”* Government leaders could be more receptive to perspectives from Internet Leaders on how the Internet works and

deliberate together to find innovative solutions to complex issues while preserving the Internet on its own path of evolution.

Creative solutions and an altogether new path forward would arise from extensive multidisciplinary stakeholder consultations, including Think Tanks. Many of the Internet Governance challenges invoke a confluence of insights from all directions.

E) Other organizations/disciplines the the IGF should be collaborating with:

The IGF could identify participating and new Civil Society and International Organizations **such as** EFF and ORG whose policy work is in the Internet space, benevolent Internet foundations **such as** Mozilla Foundation and Wikipedia Foundation and also other global organizations that are not typical Information Technology / Internet organizations but are organizations whose work area is otherwise impacted by the Internet. These organizations could take part in the IGF as Organizations exchanging ideas and resources with the IGF and its participants. The MAG could formalize its engagement with some of these organizations that have defined responsibilities and significant roles in the Internet and Internet Governance, including and not limited to, the Internet Corporation of Assigned Names and Numbers, the Internet Society, the Internet Architecture Board and the IETF, with the purpose of enhancing its strengths, formally exchanging the IGF Community views with them to bring about the necessary policy changes or initiate impactful new programs. IGF could bring in formal and high level participation of regulatory authorities such as FCC and TRAI, for them to find a balance. The formal engagement could include some multilateral initiatives **such as** Global Commission on the Security of Cyberspace, Global Conference on Cyberspace.

The implicit stature of the IGF requires the MAG to more closely work with Government leaders in shaping the Internet Policy as global policy and as policy that furthers the evolution of the Internet on the right path forward. Such collaboration with Government leaders could be both formal and informal, to help Governments address some of their unique Internet challenges in a manner that National and Regional Internet Policy reflects Global Internet Policy.

The aspirational purpose of these collaborations is to pave way for a Global Internet Policy, at least to a minimal set of globally agreeable base points, in the IGF multi-stakeholder framework in a manner of Governance Innovation. The global Internet requires a global policy.

F) The Secretary-General set up a High-level Panel on Digital Cooperation (HLPDC) to *"identify good examples and propose modalities for working cooperatively across sectors, disciplines and borders to address challenges in the digital age"*

1. On How the IGF could contribute to the work of the HLPDC:

The IGF, with the help of the Office of the UN Secretary General could help the HLPDC connect to those in positions of influence in private sector and Governments across borders with a view to contribute / participate in its work across disciplines.

2. Inputs for the HLPDC in relation to the IGF:

The HLPDC members could ask for a recurrent slot for a High Level discussion at the IGF which could include High Level leaders from within and external to the HLPDC, from across borders and sectors, invited by joint efforts by the IGF MAG and the HLPDC; That would help the HLPDC foster cooperation on its focus areas which could still expand; Apart from this opportunity at the IGF, the IGF could collaborate with the HLPDC inter-sessionally to organize the HLPDC Townhall as an event that would invite the lead participants of the IGF and possibly host such events as IGF inter-sessional high level town hall events, suitably styled.

Another way by which the IGF could collaborate with the HLPDC is by organizing “meet the policy leaders” events in select locations to address National Concerns on topic areas such as “Trust and Security” with inputs from the IGF that could help guide various National legislatures on Internet policy matters for greater harmony on Internet policy across geographies

HLPDC could reach out and invite a few political leaders / present or former Heads of State / Government and CEOs or large enterprises across sectors / lead Internet related organizations to participate in its work. And, as suggested by the Secretary General in his inaugural address in a different context, the HLPDC could include “philosophers, anthropologists, political and social scientists”, and also include participants from Think Tanks as individuals and Think Tanks as organizations who contribute by collective thinking.

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