ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)

PRIORITIES FOR THE SEVENTH INTERNET GOVERNANCE FORUM (IGF)
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1. Preamble

In 2011, we noted that of the 92 IGF workshops and open forums, more than thirty focused on some aspect of human rights on the internet. The Chair's Summary noted that human rights were mentioned in each of the main sessions and across the range of feeder workshops and that the three most prominent issues were the right to internet access, freedom of expression, and freedom of association. The emphasis on human rights in the IGF had clearly increased progressively since the event's launch in 2006. This view was shared by several government and civil society delegates.[1]

On July 5th, 2012 the United Nations Human Rights Council approved a resolution[2] stating that the right to freedom of expression on the internet should be protected by states. The resolution affirmed the simple idea that "The same rights that people have offline must also be protected online". The resolution had the support of 85 co-sponsors, including Brazil, Sweden, the United States, Azerbaijan, and Egypt, an incredibly large number compared to previous resolutions on the same issue.[3] It recognizes "the global and open

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[1] https://www.apc.org/en/system/files/APCIGF2011Reflections_EN.pdf

[2] http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/20/L.13&Lang=E

[3] Countries that adopted this resolution were: Algeria, Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mauritania, Mexico, Monaco, Montenegro, Morocco, Netherlands, Nigeria, Norway, Palestine, Peru, Poland, Portugal, Qatar, Republic of Moldova, Republic of Korea, Romania,

nature of the internet as a driving force in accelerating progress toward development". It is a precedent for the application of all human rights online and a significant first step towards the enforcement and protection of human rights on the internet. In a further precedent, Navi Pillay, the United Nations High Commissioner for Human Rights emphasised, during the HRC Expert Panel on Freedom of Expression and the Internet, the importance of a human rights impact assessment whenever internet policies are being developed.[4]

These developments show the receptiveness of the HRC to giving serious consideration to human rights in internet policy and governance, something that the IGF has failed to do, despite the clear human rights foundations set by WSIS outcome documents, including the Tunis Agenda[5]. These developments also build on the internet and freedom of expression work of the Special Rapporteur on Freedom of Expression, Frank La Rue, whose work APC continues to support. The momentum for a human right approach to internet public policy is growing and must be linked to the foundations and history of the IGF. It involves exploring not only civil and political rights, but also social, economic and cultural rights.

The promise of the internet as a tool for development and empowerment continues to be unrealised for large segments of the world's population. Disparities in access between rich and poor, and urban and rural serve to exacerbate existing social inequalities. During the IGF 2011, APC called for a rights-based approach to internet governance to ensure citizens have universal fair, open and affordable access at a time when many governments are restricting internet access in different ways and many people are suffering the effects of the global economic crisis.

These trends continued and intensified in 2012. We remain convinced that a human rights-based approach to internet governance is the best way to ensure universal fair, open and affordable access and to effectively address the integration of development, one of the priorities identified in the report of the Commission for Science and Technology for Development (CSTD) Working Group on IGF Improvements. The IGF theme for 2012 is '**Internet Governance for Sustainable Human, Economic and Social Development**'. We believe that this theme cannot be addressed in a meaningful manner without an explicit focus on human rights, including women's human rights. The Gender Dynamic Coalition, among others, also supported the proposal that human rights be a main theme in the 2012 IGF and recommended that the IGF "pay equal to attention to women's rights in a way that emphasises a rights-based approach in place of protectionist solutions". In other words, solutions that do not patronise but empower

Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, and Uruguay. No country opposed this resolution.
[4] United Nations High Commissioner for Human Rights, Opening Statement to the Human Rights Council Panel on Freedom of Expression and the Internet, 29 February 2012.
[5] Tunis Agenda (WSIS, 2005) http://www.itu.int/wsis/docs2/tunis/off/6rev1.html

women and reinforce their exercise of rights. The time for focusing IGF discussions only on affordable access as a means to utilise the potential of the internet for innovation and sustainable development is over.

Two thirds of people around the globe are still not connected to the internet and many of those accessing the internet for the first time experience far less freedom compared to that of early internet users. Most are not even aware that their internet freedoms are under threat or already restricted. The power and potential of the internet as an enabler of human rights will not be realised unless these threats are strongly resisted and more enabling environments created.

In addition, if the internet is to realise its potential as an enabler of people's human rights then it must enable all rights, not only a few. Despite the significant number of human rights related workshops at IGF 2011, the treatment of human rights issues remained narrow, a trend also observed in regional and national IGFs. Freedom of expression, freedom of association, privacy and security are important issues. But to make progress in 'Sustainable Human, Economic and Social Development' we must include all of our human rights including civil and political rights, economic cultural and social rights and the rights of vulnerable and marginalised groups.

For these reasons, APC will be taking a human rights approach to the 2012 IGF. We will analyse each of the main themes from a human rights perspective and aim to bring these to the fore during discussions. We will work with Kenya, Sweden, Finland and others to host a roundtable on human rights and we will bring the outcomes of discussions as inputs to the Taking Stock and the Way Forward main session. We will focus on a more inclusive range of human rights including women's human rights. Building on the APC 2011 gender report card APC, has advocated for the formal implementation of a gender report card for IGF workshops and main sessions. We will continue to seek to strengthen women's participation in internet policy processes and to ensure women's rights perspectives are included in deliberations.

We will analyse the main sessions, workshops, forums and dynamic coalition and other meetings with a view to extracting human rights concerns and will make proposals that outline how the IGF and other policy spaces can address these concerns.

2. APC's priorities at the 2012 IGF

2.1 Access and diversity

The distinctions between affordable, quality and open access, and the expression and realisation of human rights on the internet as well as through the use of the internet are increasingly interlinked. The internet and online spaces are being increasingly used as means to exercise fundamental rights and freedoms. It includes access to internet infrastructure, net neutrality,

access to content, freedom of expression and association, and social, cultural and political rights which enable access (both online and offline), and are supported by appropriate regulatory and policy frameworks.

Access disparities exist among and between groups, including on lines of gender, race, ethnicity, age, and sexual orientation and gender identity. Those without access may be denied the right to give voice to their social and political aims and be unable to use the internet to demand rights on the same footing as others. Access to the internet is thus increasingly being framed as a critical part of human rights. Conversely, human rights are increasingly viewed as essential to ensure policies which deliver quality, affordable access for all. Because of this there is a need to quicken the pace of internet access, to draw creatively on the allocation of radio frequencies and spectrum, to strengthen and develop local community wireless networks and to consider the role of free public access in, for example, public libraries and community centres.

Securing access brings to the fore a range of human rights issues. As the internet becomes ubiquitous, people are more able to exercise and demand the full range of their rights, limitations and threats to human rights offline are also happening online.

With almost 2.5 billion internet users[6], "the internet is one of the most powerful instruments of the 21st century for increasing transparency in the conduct of the powerful, access to information, and for facilitating active citizen participation in building democratic societies"[7].

In reality, access to the internet is unequally distributed and as a result online communities do not yet reflect the full diversity of humanity, including racial and ethnic diversity. The potential of the internet to enable the rights to equality, dignity and freedom from discrimination for all is, therefore, far from being fully realised. In his 2012 report, the UN Special Rapporteur on Racism, Racial Discrimination and Xenophobia drew attention to the dangers of unequal access to the internet, including the exclusion of the victims of discrimination from digital conversations, due to the intersection of poverty and discrimination. We echo this point and note, for example, the inequality of internet access in South Africa, where white South Africans account for 64% of all users, despite only representing 9% of the country's total population[8].

The uneven nature of the distribution of internet penetration is worrying and has both race and gender dimensions. Male internet users outnumber female internet users in many countries, with very large gender gaps in countries like

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[6] ITU Statistics (2012), http://www.itu.int/ITU-D/ict/statistics/ (estimate for 2011), where only 18% and 16% of women in Mexico and Colombia, respectively, are internet users.

[7] United Nations document A/HRC/17/27, (2011) para 2.

[8] South African Press Association, 'Internet use in SA growing', 10/05/2012, accessed from http://www.news24.com/SciTech/News/Internet-use-in-SA-growing-20120510# on 19/05/2012.

Mexico (18%) and Colombia (16%).[9] In Hungary, the inequalities between the Hungarian Roma and non-Roma populations are stark: 45 %of non-Roma use the Internet, but only 20% of Roma does so.[10]

Furthermore, while mobile technology has increased access to the internet by marginalised communities, there are still substantial gaps in capacities to create and access relevant content[11]. A study in Kenya found that mobile internet users are primarily accessing international news and services, often because of the limited availability of local content, because local news outlets have not formatted content to be accessible via mobile handsets and because local content is not as easy to licence[12]. Most poor people still use low-end devices, which, even if they an interact with the internet, limit the ability to access and create content. As the internet becomes a growing source of education and awareness-raising it is crucial that production of content includes content created by and for diverse social, racial and ethnic groups.

The diversity of online content can also be restricted for ideological, racial, religious and cultural reasons. In July 2012 the Pakistan Telecommunication Authority banned the official website of a religious minority group, Ahmadiyya, citing blasphemous content on the website.[13] A week later, another ban was imposed on a watchdog website in Pakistan, for publicly propagating religious views.[14] In Indonesia, the anti-pornography bill was recently used to block a website that features information on the rights of lesbian, gay, bisexual and transsexual people.[15] It is vital that the very real issues of racial hate speech and incitement to racial violence are not also used as an excuse to block lawful online content for political or other spurious reasons. Similarly, it is important that arguments of culture and tradition are not used as reasons to restrict access to critical information, including about sexual and reproductive health and education.

Democratising access to the internet is therefore a key issue both in terms of access to infrastructure and access to content.

Access to the internet should become a human rights indicator and reported on by States, so that their progress in ensuring equality of access can be monitored. States must also develop and implement national internet access plans using multi-stakeholder processes which ensure participation by all, including racial and ethnic minorities and other groups.

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[9] "World Internet Project 2012 International" Report Third Edition, 2012.

[10] Ibid, at page 31.

[11] http://www.apc.org/en/system/files/LisaHorner_MobileInternet-ONLINE.pdf

[12] Eric Hersman "The potential of mobile web content in East Africa" in Vodafone Making Broad-band Accessible for All (London: Vodafone Group, 2011).

[13] PTA bans official Ahmadi website: Report http://tribune.com.pk/story/404509/pta-bans-official-ahmadi-website-report/

[14] Ahmad, Zafar, Internet Rights in Pakistan, GISWatch Special Edition, forthcoming; Ban on Shia website: Police disperse protest rally in Karachi http://tribune.com.pk/story/409505/ban-on-shia-website-police-disperse-protest-rally-in-karachi/

[15] SM Kee, Moolman, 2011. Sexuality and women's rights. Global Information Society Watch

2.2 Managing critical internet resources

The gradual emergence of the issue of improving legitimacy, accountability and transparency in internet governance and its institutions is now broadly relevant to a great number of different and diverse stakeholders. The issue has reached a point where there is sufficient critical mass, resulting in a 2012 IGF session *What does it take? Mechanisms to ensure transparency and accountability in internet governance negotiations,* co-hosted by APC and Hivos.

Our focus is on reforming internet governance institutions to ensure greater accountability, participation and transparency. In 2011 the ICANN reform process was not discussed in detail, being in part overshadowed by the IBSA (India Brazil South Africa) proposal. As the ICANN reform process continues, APC believes it is important that the progress be discussed openly at IGF meetings. ICANN is an essential internet governance player, one of a handful of global multi-stakeholder internet governance institutions and changes made there set a precedent. The IGF is also the appropriate forum for critics of the ICANN reform process to voice their concerns. It is clear that ICANN has taken comments emerging from the IGF in the past very seriously and has used them as a motivation for change.

In 2012 APC reinvigorated its participation in ICANN through its membership of the Non-Commercial Users Constituency in ICANN. We will look at ICANN related public policy issues with a human rights lens and, with our partners, will host a workshop on ICANN public policy and human rights. We are watching closely the stakeholders, particularly governments, who also participate in ICANN to ensure that they are consistent in their approaches across internet governance spaces and public policy and to ensure they uphold their human rights obligations.

For the IGF 2012, APC, together with *the Internet Society (ISOC) and the International Chamber of Commerce's Business Action to Support the Information Society (ICC-Basis) with support from the governments of Brazil, Egypt, and Kenya,* is organising the pre-event **'From Deadlock to Dialogue: Enhanced Cooperation in Internet Governance'** to enable frank and constructive dialogue on enhanced cooperation in internet governance. It will build on work to date, including the report of the UN Secretary-General, the UN Commission on Science and Technology for Development (CSTD) consultation on Enhanced Cooperation held on 18 May 2012, and discussions that took place during the 15th session of the CSTD in the week of 21 May 2012 in Geneva.[16]

We are also working more closely with the technical community to build understanding of how the very design of the internet, including internet protocols, relates to human rights. We believe that the technical community

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[16] http://ec-event-igf2012.apc.org/

has built some of its internet standards on a basis of human rights principles and that these principles form one part of the constructs which "make the network work: the principles that motivate the protocols of the internet and the process by which those protocols are developed."[17]

At the same time, the technical community, business and the private sectors have reached for rights as a reason to resist requests by governments to carry out activities or implement policies that interfere with the internet's basic operations. So, too have users demanded that their rights be protected by these other actors, particularly transnational corporations. The result is that business and private sector are engaged in human rights dialogue in new ways. In IGF 2012, we are collaborating with ISOC in a workshop focusing on this work on human rights and internet protocols.

For multi-stakeholder internet governance to serve the public interest in a legitimate and accountable way, it has to acquire meaning for the various stakeholders in practice. It has to confront the different interests among, for example, global businesses and national regulators, or between freedom of expression activists and cyber security agencies. It is necessary to go "beyond the surface of multi-stakeholder participation and enable one to delve into the real politics of power and interest which intersects with multi-stakeholder processes in internet governance".[18]

Multi-stakeholder governance institutions and processes must also relate to existing international rights instruments, standards and agreements. "The world, of which the internet is a part, is not an equal place. There are vast differences in access to resources and power, between countries, and within countries. Governance bodies and processes need to recognise these differences, and try to redress them to achieve legitimacy over time [...]".[19]

2.3 Security, privacy and openness

New tensions are emerging that are specific to the internet. For example, as the internet intrudes into more and more aspects of people's everyday lives, the tension between the right to privacy and the need for openness increases.

There is also a tension between openness and other rights, for example, balancing openness, women's human rights and sexual rights and freedoms and rights to privacy, as well as tensions in applying human rights, with increasing moves towards monitoring, surveillance and censorship. The range and increasing complexity of these tensions will increase, for example, as governments seek to regulate content and women's human rights defenders

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[17] "Internet Protocols and Human Rights" J Liddicoat and A Doria (ISOC and APC. Publication forthcoming 2012).
[18] Esterhuysen, Anriette. *A long way to go. Civil society participation in internet governance,* in MIND Co:llaboratory discussion paper series No. 1, #2 Internet Policy Making, Berlin, Nairobi, September 2011.
[19] Idem

seek openness but also accountability from other stakeholders for their privacy rights. These trends indicate there is a need to frame internet rights more holistically and to research and monitor diverse internet rights and develop resources to support advocacy and capacity building of the actors that can help secure these rights.

Security is a key issue and has multiple dimensions. For example, while aspects of the design of the internet are rights affirming, other aspects make the internet inherently insecure for users. Some security issues from the users perspective result from behaviours which the internet makes easier (increased government surveillance and profiling of activists, online fraud, new forms of crime and bullying and sexual harassment). However, internet security discussions have been dominated by cyber security concerns from government and some private sector perspectives. Measures to address security from government only perspectives will not necessarily make the internet more secure for users (indeed they may make it more insecure). The question of how to balance state-based cyber-security as opposed to empowering information security at the individual level could also be looked at. At IGF 2012, APC will be looking closely at security related discussions and seeking to bring diverse perspectives of women's human rights defenders and others.

Women's human rights and sexual rights and freedoms are particularly under attack.[20] Violence against women is being fought by women human rights defenders. They have shown incredible strength in responding to continued violations of their human rights and safety. Therefore, security should be seen from this perspective, as opposed to the usual understanding that privileges and is limited to the notion of "national security".[21] Sexual rights activists are also facing threats to personal safety through community surveillance and trolling online. Often relying on the internet as an important space for organising and advocacy, weak privacy protection and redress mechanisms in social networking spaces can compromise their security and that of affected communities.[22] Online anonymity is critical to privacy and security in many context. Anonymity in internet discussions can create an enabling environment for many issues that can not as easily be discussed without protection of real life identities. For example online forums that include issues of psychosocial support, support and advice about LBGT issues, support for victims of sexual abuse, and advice about reproductive health. Anonymity contributes the fabric of trust that make up these networks. In many circumstances seeking support anonymously from an online community may be the only option.

One of the main questions that APC has tried to answer and will continue to work on at the upcoming IGF is to what extent internet intermediaries are liable for content that violates human rights, breaks the law, or infringes on copyrights. Internet intermediaries are increasingly being used by

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[20] See also "Crossing Borders: cyberspace and national security" Oct 2012. www.genderIT.org
[21] http://www.genderit.org/node/3684
[22] http://www.genderit.org/sites/default/upload/erotics_finalresearch_apcwnsp.pdf

governments to enforce the law, censor content and control undesirable activity on the internet. What is the role of the private sector intermediaries, internet access providers, internet service providers (e.g. e-mail), search engines (e.g. Google), user generated content sites (e.g. YouTube,), and social networking sites (e.g. Twitter) in monitoring, surveillance, and respecting and protecting citizens and in censoring content on the net? How does the liability of intermediaries affect this role?Intermediaries need to respond to court requests, have in place fair and transparent mechanisms for taking down content that is illegal or infringes on another persons rights. However intermediaries also need protection from liability for content created by third party content that they were unaware was on their networks. Such protections from liability are essential for the functioning of the information society and economy.

Where do governments draw the line on making intermediaries liable? Intermediaries must not be used for censorship and to block free speech and association. Intermediaries must also not be used to infringe on the right to user privacy outside of the legal system, the use of intermediaries in monitoring and surveillance should be subject to court orders and the arbitration of the legal system. Outsourcing control to third parties by mechanisms of intermediary liability can look better, as well as be more efficient, than technical mechanisms such as a web filter or spyware would. Evegeny Morozov has mentioned "one way for governments to avoid direct blame for exercising more Internet control is to delegate the task to intermediaries. At a minimum, this will involve making Internet companies that offer social networking sites, blogging platforms, or search engines take on a larger self-policing role by holding them accountable that their users post or (in the case of search engines) index and make available. Being able to force companies to police the Web according to state-dictated guidelines is a dream come true for any government. The companies must bear all the costs, do all the dirty work, and absorb the user's ire."[23]

In addition, moves to ban or regulate encryption have generated debate about whether privacy related internet rights should protect the freedom to encrypt (similar to locking a house to prevent unauthorised entry). Related protections such as safeguarding anonymity and pseudonymity online also merit discussion in the IGFs multi-stakeholder space.

Privacy is emerging as a premium service that you have to pay for (as opposed to privacy as of right or by design). The IGF should offer an interpretation of privacy that is human rights focused. Many companies are experimenting with Terms of Use in which privacy is not anymore a given, but a premium. This is more and more the case on online platforms such as Facebook. This 'soft law' needs to be put side by side with regulation related to the right to privacy, a fundamental human right. The IGF is a suitable space to argue that this is a

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[23] Evgeny Morozov, "Whither Internet Control?" in *Liberation Technology: Social Media and the Struggle for Democracy*, ed. Larry Diamond and Marc F. Plattner, (Baltimore: Johns Hopkins University Press, 2012).

phenomenon that is spreading fast over the internet and that in this sense, internet governance has to take into account this web-specific development and address it in conformity with the human rights regime.

We will want to use a broad human rights approach at all times in addressing security, privacy and openness, as we want to make sure that social and economic rights are recognised, and that the internet is reinforced as a free and open platform for free expression and free flow of information.

2.4 Emerging issues

International Telecommunication Regulations (ITRs)
Current International telecommunications regulations date from 1988 and considering the dramatic changes in the telecoms sector since then it is not surprising that they are up for review. The question for civil society is whether the upcoming World Congress on Information Technology (WCIT) poses a 'threat' to the internet, in the sense that civil society sees the internet and would like to see it either remain or evolve. The policy dialogue within the IGF should provide inputs to discuss what the updated ITRs should include. In APC's view, the ITRs should be updated in line with the communications environment, just as it would expect national communications regulation to be updated in line with changing contexts at a national levels. The ITRs should be subject to the international human rights regime and any limitations to communications which are permitted or required by the ITRs should be applied only in ways that are fully consistent with the agreed international human rights standards. The ITRs should always facilitate and never restrict international communications.

We would also like to stress the importance of transparency in making multi-stakeholder participation work effectively. It implies not only the need for a more serious engagement of civil society in the ITU but also the recognition that there are weaknesses in the current quality of multi-stakeholder participation in ICT policy-making, in particular the need for more participation by users of ICTs in policy development, including departments of government which are outside the ICT sector itself, businesses which use rather than supply communications, and civil society organisations concerned with policy domains other than communications.

Cybercrime legislation
The rapid proliferation of cybercrime bills throughout the world means that civil society and other stakeholders need to address this as a global phenomenon. From Philippines Cybercrime Prevention Act, to the Panama and Costa Rica cybercrime legislation, and Dutch cyberattack bill, we see the wave intensifying. Stakeholders concerned with a truly democratic internet governance should help stop the wave by running a bigger petition to respect human rights when talking cybercrime.

The internet and geography

The internet is no longer "beyond geography" and one new threat to freedom of association and peaceful assembly is geographic censorship. Most web platforms now have functionality that serves and withholds content on websites according to geographic location. This is often done for justifiable reasons, such as a search engine providing relevant results to a search for a place or product based on the user's location. It is also used by streaming and media platforms to ensure that rights protected content is streamed only to regions where it is licensed. Geographic filtering technologies also provide new opportunities for governments to demand censorship of content in their countries. Twitter for example now filters out certain keywords in certain countries at the request of governments.[24]

2.5 Internet governance for development

"The internet has also brought new economic models based on sharing and openness; such as the free and open source software movement, copyleft to increase cultural and knowledge circulation in the public domain and crowd funding to mobilise resources from the public. Many governments have dedicated resources for improved internet infrastructure under the framework of economic development. Mobile phone and community internet access in rural areas have broadened women's livelihood options and well-being (e.g. as seen through projects supported by the Gender, Agriculture & Rural Development in Information Society small grants in Africa). The increasing enforcement of intellectual property rights and erosion of privacy online threaten this framework of openness and its potential for alternative forms of capital circulation".[25]

Development perspectives are needed on issues such as cloud computing which raises questions such as: What possibilities are there for the use of cloud computing for sustainable development? What are the obstacles to using cloud computing for sustainable development? What particular developmental challenges does cloud computing present? How can internet governance encourage the use of cloud computing for sustainable development? As those in developing economies turn towards cloud computing services the implications of hosting email, documents and businesses processes with foreign cloud computing companies need to be considered. For example, should governments and businesses be encouraging the development of local cloud computing companies, which one day may provide them such services? If so, how can this be encouraged? Is more investment needed in science, technology and computing education? Developing economy perspectives are also needed on the emerging issues of trust, security and privacy in relation to cloud computing and the implications of data being subject to jurisdictions without adequate privacy and security protections either where it is held or when in transit.

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[24] Alex Comninos *Freedom of Peaceful Assembly and Freedom of Association and the Internet*, APC Issues Paper (2012).
[25] Why is the internet a feminist issue? http://www.genderit.org/es/node/3561

Intellectual property issues are increasingly prominent in internet related public policy in developing countries. There is demand for developing countries to implement older trade related agreements such as TRIPs at the same time as new trade related agreements are emerging that those in developing countries are resisting (such as ACTA). Civil society groups have called on the World Trade Organisation to give poorer countries more time to implement agreements and for organised resistance to negotiations for new agreements, such as the Trans Pacific Partnership Agreement.[26] The impact on indigenous peoples of knowledge extraction industries is also causing serious concerns.[27]

It is time to renew the human rights and development foundations of the IGF and look afresh at the trajectories of emerging issues in relation to the internet as a tool for development. As noted earlier, the time for focusing IGF discussions simply on affordable access as a means to utilise the potential of the internet for innovation and sustainable development is over. Economic and social rights provide a key lens through which to measure whether development outcomes are being shared equitably and a broad rights based approach to development is one way to ensure this, yet has been largely absent from IGF development related discussions. APC will be following these issues closely in IGF 2012.

3. Other issues

3.1 Enhanced cooperation and multi-stakeholder participation

Cooperation in internet governance implies that all partners should, in their respective roles, work together on an equal footing and with a shared mission. The APC thereby supports strengthening 'enhanced cooperation' to address global public policy issues pertaining to the internet, which will realise its potential only when forces are balanced.

Structural differences exist between governments, the technical community the private sector and civil society - four stakeholder groups that make up the current internet governance ecosystem. APC is a civil society network that has not shied away from actively participating in the global policy dialogue and seven years after release of the Tunis Agenda still believes that internet governance should be participative, inclusive, transparent and democratic, with the full involvement of governments, the private sector, civil society, the technical community and international organisations. This implies recognizing and curbing imbalances not only between stakeholders, but also within stakeholder entities.

The IGF should stress the **principle of democratic global governance of**

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[26] See for example, Electronic Frontier Foundation:
https://www.eff.org/deeplinks/2012/10/civil-society-urges-world-trade-organization
[27] http://www.genderit.org/content/challenges-communal-copyright-traditional-and-indigenous-knowledge

the internet. Building legitimacy of global internet-related policy spaces and mechanisms is a complex process that requires the acknowledgment of power dynamics, diverse interests and the political climate. Future internet governance mechanisms must engage **stakeholders on an equal footing and ensure they are effectively represented**.

APC recommends that as a forum for multi-stakeholder dialogue on internet policy, established as an outcome of the World Summit on Information Society, IGF **establishes a multi-stakeholder working group on unresolved issues related to 'enhancing cooperation'** in internet governance[28]. The Tunis Agenda states very clearly that taking enhanced cooperation forward is central to the mandate given to the IGF.

> "71. The process towards enhanced cooperation, to be started by the UN Secretary-General, involving all relevant organizations by the end of the first quarter of 2006, will involve all stakeholders in their respective roles, will proceed as quickly as possible consistent with legal process, and will be responsive to innovation. Relevant organizations should commence a process towards enhanced cooperation involving all stakeholders, proceeding as quickly as possible and responsive to innovation. The same relevant organizations shall be requested to provide annual performance reports.
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> "72. We ask the UN Secretary-General, in an open and inclusive process, to convene, by the second quarter of 2006, a meeting of the new forum for multi-stakeholder policy dialogue—called the *Internet Governance Forum* (IGF)."

The text of the Tunis Agenda then continues to describe in greater detail what this open and inclusive process should achieve in order to forward enhanced cooperation, and, in paragraph 73 it proposes how this should be done:

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[28] In our collective efforts to ensure that global governance of the internet relies on enhanced cooperation among equals, developing a set of principles and procedures to guide the way in which multi-stakeholder collaboration can practically translate into EC is necessary. Accordingly, APC proposes that an IGF working group on enhanced cooperation be established, drawing on the modalities used to constitute the Working Group on Internet Governance in the build-up to the second phase of the WSIS in Tunis. It should be multi-stakeholder with all stakeholders able to participate on an equal footing. We propose that the goal of this working group should be to develop a 'Multi-stakeholder Declaration on Enhanced Cooperation in Internet Governance' that, in line with the Tunis Agenda, captures consensus positions on basic principles, modalities for enhanced cooperation. It should also consider proceedings of the United Nations Human Right Council in relation to the internet and human rights. This group can consider proposals for enhancing cooperation made in the last few years, such as, for example, the IBSA (India Brazil South Africa) and CIRP (Committee for Internet Related Policies) proposals as well as the proceedings of the General Assembly sessions that dealt with enhanced cooperation.

> "73. The Internet Governance Forum, in its working and function, will be multilateral, multi-stakeholder, democratic and transparent. To that end, the proposed IGF could:
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> - Build on the existing structures of Internet governance, with special emphasis on the complementarity between all stakeholders involved in this process – governments, business entities, civil society and intergovernmental organizations.
>
> - Have a lightweight and decentralized structure that would be subject to periodic review.
>
> - Meet periodically, as required. IGF meetings, in principle, may be held in parallel with major relevant UN conferences, *inter alia*, to use logistical support."[29]

Participation and cooperation in internet governance has increased dramatically since 2005. It is important that these gains are not lost.

At the same time, many imbalances and constraints remain and new challenges are posed by the rapid development of the internet and its increased relevance as more people, particularly people who are excluded from social, economic and political power, gain access.

Unresolved issues include real constraints for effective participation in internet governance decision-shaping and decision-making such as, but not exclusive to, financial resources, capacity, knowledge and understanding of issues and implications. These constraints do not apply only to civil society, but also to governments, the technical community and the private sector. They apply primarily, but not exclusively to stakeholders from developing economies.

For cooperation between stakeholders in internet governance to be further enhanced, these imbalances need to be acknowledged, and addressed. They exist between countries: governments from North America and Europe are generally more engaged in IG, and have more influence; between companies, with large, globalised companies often being disproportionately influential as they are powerful in open processes in their own right, and through the influence they have on governments.

Imbalances also exist in the participation of civil society in internet governance: within civil society (with only a small sub-section of civil society participating regularly), and, between civil society and governments as well as other non-governmental stakeholders such as business and the technical community.

The APC sees 'enhanced cooperation' as a responsibility of the IGF. The advances towards a potential consensus among stakeholders that have been

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[29] From the Tunis Agenda, http://www.itu.int/wsis/docs2/tunis/off/6rev1.html

made since 2005 can and must evolve into concrete and sustainable mechanisms that facilitate not just multi-stakeholder participation, but also multi-stakeholder decision-making in internet governance.

APC will use the IGF to continue promoting a rights-based and public interest principles approach towards its vision of an internet that is governed by a clear set of guiding principles and procedures grounded in human rights declarations.

3.2 The evolution, strengthening and impact of the national and regional IGFs

An increasing concern in relation to human rights on the internet is the constant we have seen this year in the regional meetings in Latin America, Southeast Asia and Africa. More actors from civil society, the academia and the technical community engaged in the regional policy dialogue spaces to proactively analyse the situation in the various regions in relation to freedom of expression, freedom of association, freedom of information, privacy, among others, as well as to underscore the importance of multi-stakeholder participation in internet governance and internet public policy making.

This new development contrasts to previous regional internet governance meetings, where human rights were talked about in more general, principled terms. The new specific focus on key human rights which has emerged merits a stronger focus on human rights in IGF 2012 and 2013.

4. APC´s presence at the IGF 2012

4.1 List of workshops, main sessions, pre-events, etc., organised by day

Pre IGF event – November 3-4, 2012	
Days Hotel 09.00 – 17.30	**Best bits**
Pre IGF events – November 5, 2012	
Room 3 09.00 – 16.00	**From deadlock to dialogue: Enhanced cooperation in internet governance.** *Co-organised by APC*
Room 9 10.00 – 12.30	**Human rights and internet governance must go hand in hand.** *Organised by Expression Online*
IGF day one – November 6, 2012	

Room 8 14.30 – 16.00	**Empowering internet users - which tools? (WS 128)** *Organised by the Council of Europe The Internet Rights & Principles Coalition.* APC speaker: Joy Liddicoat (panelist)
Room 8 16.30 – 18.00	**Inclusive innovation for development: The contribution of the internet and related ICTs (WS 142)** *Organised by OECD, ISOC, BIAC, and with contributions from CSISAC.* APC speaker: Anriette Esterhuysen
Room 4 16.30 – 18.00	**Technology, economic and societal opportunities and women (WS 91)** *Organised by ICC BASIS, APC, and the Government of Kenya.* APC speaker: Avri Doria (substantive rapporteur)
Room 5 16.30 – 18.00	**The international telecommunication regulations and internet governance: Multistakeholder perspectives (WS 140)** *Co-sponsored by APC.*
IGF day two – November 7, 2012	
Room 4 09.00 – 10.30	**Internet privacy and freedom of expression: UNESCO launches a global survey on legal frameworks (WS 59)** *Organised by UNESCO, Global Partners Associates, Council of Europe, and Article 19.* APC speaker: David Souter
Main session room 09.30 – 12.30	**Managing critical internet resources** APC speaker: Anriette Esterhuysen
Room 9 11.00 – 12.30	**What does it take? Mechanisms to ensure transparency and accountability in internet governance negotiations (WS 152)** *Co-organised by APC and HIVOS.*
IGF day three – November 8, 2012	
Room 5 09.00 – 10.30	**Cybersecurity that achieves privacy and civil liberties (WS 173)** *Organised by Liesyl Franz and Packet Clearing House.* APC speaker: Yara Sallam (TBC)
Room 6 09.00 – 10.30	**Threats to multi-stakeholder internet governance – Is it worth protecting? (WS 145)** *Organised by Internet Rights and Principles Coalition and Global Partners & Associates and Fundação Getúlio Vargas.* APC Speaker: Anriette Esterhuysen
Main session room 09.30 – 12.30	**Access and diversity** APC speaker: Jac sm Kee (panellist)
Room 5 11.00 – 12.30	**The internet of humans: online behaviour and IG policy impacts (WS 96)** *Organised by DiploFoundation.* APC speaker: Alex Comninos
Room 9 11.00 – 12.30	**Governing identity and the internet (WS 163)** *Organised by Citizen Lab and ISOC.* APC speaker: Mawaki Chango

Room 9 14.30 – 16.00	**Open government partnership & IGP reciprocal learning** *Organised by OGP and HIVOS.* APC speaker: Anriette Esterhuysen (panellist)
Room 6 14.30 – 16.00	**Internet and human rights: Shared values for sound policies (WS 138)** *Organised by ISOC and APC.* APC speakers: Avri Doria and Joy Liddicoat
Room 1 16.30 – 18.00	**Human rights, internet policy and the public policy role of ICANN (WS 123)** *Organised by APC, NCUC, and CTS/FGV.* APC speakers: Joy Liddicoat and Avri Doria (panellists)
IGF day four – November 9, 2012	
Main session room 09.00 – 12.00	**Taking stock and moving forward** APC speakers: Avri Doria (moderator) and Joy Liddicoat
Room 6 09.00 – 10.30	**Human rights roundtable** *Organised by APC, Swedish Government, ISOC and ICC Basis.*
Room 5 14.30 – 16.00	**Africa IGF** *Organised by UNECA, AUC, and FOSSFA.* APC speaker: Emilar Vushe (panellist)

4.2 APC online

APC Connect Your Rights! Campaign – http://rights.apc.org
APC – http://apc.org
GenderIT – http://genderit.org

Twitter
http://twitter.com/APC_News
http://twitter.com/APCNoticias
http://twitter.com/APCNouvelles
http://twitter.com/GenderITorg
http://twitter.com/GenderITorgES

Facebook
http://www.facebook.com/APCNews
http://www.facebook.com/APCNoticias
http://www.facebook.com/APCNouvelles

4.3 APC members and staff at the IGF 2012

Members:
 – Valentina Pellizer, OneWorld – Platform for Southeast Europe Foundation, Bosnia and Herzegovina
 – Shahzad Ahmad, Bytes for all, Pakistan

- Carlos Afonso, NUPEF, Brazil
- Ritu Srivastava, Digital Empowerment Foundation, India
- Alice Munyua and Grace Githaiga, KICTANet, Kenya
- Hamada Tadahisa, JCA-Net, Japan
- Daniel Pimienta, Funredes, Dominican Republic
- Ermanno Pietrosemoli, EsLaRed, Venezuela (remote participation)

Staff:
- Anriette Esterhurysen, Executive director
- Valeria Betancourt, CIPP manager
- Joy Liddicoat, Internet rights are human rights project coordinator
- Jac sm Kee, Women's Rights Advocacy coordinator
- Mawaki Chango, African ICT policy advocacy coordinator
- Emilar Vushe, Resource mobilization coordinator
- Shawna Finnegan, Internet rights are human rights project administrator

4.4 Press

- Media contacts for APCNews and APC blog: Write to mallory@apc.org in English, French or Spanish.

- Media contacts for GenderIT.org: Available from flavia@apcwomen.org in English, Spanish or Portuguese.