

IGF REFORM WORKING DOCUMENT

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This document reflects my personal views although I am using this as a way to try and gather perspectives from different people in the community as to how to make the IGF stronger. The focus of this document is on ways to strengthen the core IGF itself, it does not address the many (significant) areas of programmatic reform that are needed, as those issues are handled within the MAG itself and in sub-groups. This is an iterative document and the recommendations are developing, comments are welcome.

I. Top Five Reform Areas

We've set out 5 items below for the IGF so that it can carry out its mandate from WSIS, but also so that it can thrive in the future.

1. **Develop constitutive documents and address the transparency issues.** There are no constitutive documents about the IGF's role, it's own governance mechanisms---and the same is true for the MAG. Although transparency isn't itself a solution, transparency can help to engage and to foster trust--and it is a requirement from the Tunis Agenda in Para 73. "The Internet Governance Forum, in its working and function, will be multilateral, multi-stakeholder, democratic *and transparent*." There are a number of areas where the IGF can improve for this mandate. Four areas in this regard include the following:
 - a. **Financial transparency.** The UN's rules and regulations on funding are not clear to the stakeholders (or donors), and the details on how IGF trust-fund account can or can't be used have not been disclosed. (See section below on funding reform.) For example, criteria should be made publicly available for the allocation of funding for to participants from emerging markets, as well as reporting on how these funds are actually used.
 - b. **MAG selection.** Although there are high-level criteria available for the UN's process for MAG appointments ([see here](#)), each constituency group has its own---different---process for making MAG recommendations. These processes do not need to be harmonized, necessarily, but the processes should be (a) collected and shared with all, and (b) the UN's selection criteria, which is presumably based on the recommendations of the groups, should be clear (and in writing); and (c) similar expectations should be made public and clear for MAG terms and renewals. Transparency on all levels can be greatly improved.
 - i. **Actions:** [a discussion took place on this point in September 2014. There is a "score card" that DESA uses for renewals and we have requested](#)

¹ For questions or comments, please contact the author, Patrick Ryan, at pryan@pryan.net; or, you may use the comments functionality within Google Docs (I believe that this should be an open process, and as such, comments are welcome from *anybody*, regardless of how you came upon this). Please note, however, this document is my personal opinion and does not express the official views of my employer.

that the criteria be disclosed. [Background email thread on the MAG list.](#)

- c. **MAG responsibilities (and orientation).** There is no written mandate for the MAG, no bylaws, rules of order -- nothing developed in a multistakeholder fashion that articulates responsibilities and methods of working. Expectations and commitments should be known before MAG members apply, and they should be documented together with an orientation for new MAG members should be available so that they are made aware of their duties and responsibilities. There is no charter that describes the MAG's work, and the [press release](#) from the UN Dept of Public Information is no substitute for an actual charter.
 - d. **Transparent, competitive host-country site selection.** There is currently no sharing from the MAG or any members around this site selection and selection process until after the site-selection is completed. There are several models from which to study best practices. One is ICANN, which sets out criteria and solicits suggestions through [this form](#), accompanied by publication, [regionally](#) to bringing all decisions to a [resolution](#). APRICOT similarly has a well-developed [RFP process](#) and a very detailed operations manual available to hosts, [available here](#). Similarly, the IETF provides an overview document on hosting and logistical [requirements](#).
 - e. **Host Country Agreement.** Other than the host governments and the UN, neither the MAG nor any general participant of the IGF has seen an as-executed Host Country Agreement for the IGF. These are governmental agreements that do not contain any proprietary or confidential terms and should be made public so that participants know that the privileges and immunities are intact as well as any other provisions that may be added. The HCA [template is here](#). As-executed versions of the HCAs for each IGF should be signed concurrently at the time of the site's announcement, and the agreements should be made public.
2. **Enable true multistakeholder engagement via a separate Advisory Board.** Discussions at the IGF are truly open and inclusive of all members of the community--but out of custom, the MAG's discussions are limited to the setting of the conference program (the workshops, speakers, themes, etc). The administration of the IGF is closed with no access by the community, and there is no accountability mechanism. This is not an open model. In NGOs and most publicly traded companies, openness and accountability is accomplished by having a separate board of some kind--this is a best practice in NGOs, the "technical community" (like ISOC) and the private sector that would be useful for the IGF. One model may be to create an "advisory board," an idea that is borrowed from the the UN Sustainable Energy for All [Initiative](#) (the [Initiative's Bylaws](#) provide for mechanisms to advise on management of the Initiative, much broader than the "program committee" function of the IGF MAG). Note that this functionality would complement, not replace, the MAG because none of the activities (financial advising, future direction, hiring/firing, outreach strategy) are currently handled by the MAG in any way.
- a. **Actions:** None to report (last update: 12/31/13)

3. **Improve institutional continuity (change the 5-year cycle).** Internet governance is not a topic that works in five-year cycles. Yet the IGF is presumed to end every five years unless renewed by the General Assembly, and while the five-year cycle is part of the original WSIS mandate, it need not be the mandate for the future. In practice, a five-year cycle means that as of about year 3, questions and doubts arise as to whether the IGF will renew. The IGF's donors, stakeholders, and others become hesitant to commit to longer-term initiatives. The Secretariat, together with member states, should actively promote for the longer-term renewal of the IGF mandate. In the spirit of brainstorming and whiteboarding, here is a [draft UNGA Resolution](#) that might address this (and other) issues.
 - a. **Actions:** IGF mandate still needs to be renewed (last update: 9/25/14). If there are efforts to renew afoot, they are not shared with the public. [This open letter](#) has been circulated and is open for signature until 11/1/14, recommending a 10 year renewal.

4. **Enable alternative funding platforms.** Currently, the only way to fund the IGF is by direct agreement---by means of paper contract---with the UN (through DESA). As a project set up expressly to promote the Internet, the IGF would greatly benefit from everyday Internet mechanisms for commerce and contracting. Additionally, any changes to the standard UN contract require months of negotiation. Although an across-the-board, structural UN solution is likely to take years, there are ways to improve this with third-party funding mechanisms. One example is Tides, which is a model that could enable crowdsourcing, offer online payment solutions, and a way to provide funding through a recognized non-profit, as proposed to the Secretariat in February 2013.
 - a. **Actions:** See the Section II below. The Tides/UN agreement **has been signed** on March 26, 2014. Also, ISOC has established its group as well.

5. **Leadership: Hire a permanent Special Advisor---and be transparent (and realistic) about it, and make the Interim Chair a Permanent one.** The past few years have seen considerable pressure around the Special Advisor role, and lots of rotations around the "interim" chair.
 - a. **Special Advisor.** As this position is set up currently (although there are no written expectations about the position available). The Special Advisor is discretionary position that reports to the Secretary General. Some of the concerns with this model include the difficulty of finding a wealthy, retired individual (because the position does not include remuneration). Instead, the IGF might consider an endowed model (assuming that funding can be provided) that can recruit from a broader pool, and recruiting prospects could be increased if the potential pool of candidates were not limited to those who can work as volunteers.
 - b. **MAG Chair.** For several years, the UN has appointed an "interim Chair" of the

MAG. This sends the message to the world that the IGF is a temporary institution with no ability to make appointments of any real duration. This could be quickly solved by changing the current appointment of Janis Karklins as Interim Chair to a permanent position.

- i. **Actions:** [Janis Karklins was appointed as Chair of the MAG on May 23, 2014.](#)
6. [Note: add something about Joly's comment regarding intersessional communications of the community and MAG]

II. IGF Funding Reform Project

[[Note: This needs to be updated to reflect the advances by the IGFSa initiative]]

Changing the way that the IGF collects money and works with the private sector is a nontrivial task---understandably, because the UN has a *sui generis* legal and organizational status and is not traditionally suited for collaboration with the private sector. There have been a number of initiatives underway for this. Some of the open items that members of the donor community at various times have requested from the UN on this area include the following:

- A. **Opening the Donors Meeting.** As things have stood up until now, the donor's process has been *totally* closed to the IGF community, and it has even been closed to the MAG. If it is opened to others, this is often done on a very last-minute basis without the opportunity for real engagement. This leaves significant holes in the operation of the IGF, creating a tier of access to information available to corporations and governments that donors, while leaving all of civil society and other parties out. In the past two years, I have made a vocal case for an open and inclusive donation process [brought the question](#) to the MAG list in January 2014. Veronica Cretu provided a [valuable perspective](#) on the basis of the OECD's citizen engagement guidelines.
 - a. **Status:** [The Secretariat announced on February 13th that there will be a portion of the donor's meeting open to the public. Details are on the IGF website. The meeting is inconsistently open, however, to MAG members, or to the public](#)
- B. **UN Representatives to Collaborate on Funding.** In the previous working sessions, the donors agreed that there would be a working team set up to advance these and other topics between meetings. This has resulted in the following impasse: DESA has stated that they are "waiting for a product" from us. Rarely, if ever, can meaningful organizational reform happen on the basis of a third-party memorandum without intimate involvement from the organization. As promised in response to [DESA's request](#) I agreed to confer with colleagues to see what we can do under the parameters described (no

direct involvement by the UN).² We hope that the UN will act to meaningfully set up a working group to address these issues in a collaborative way.

- a. **Status:** It is unclear if the UN will assign anyone to support reform and funding discussions and to co-develop a plan. This is on hold unless/until cleared.
- B. **Tides.** In February 2012, we presented Tides as a *non-exclusive* model to accommodate donations (and could lead to a contractual model that can be shared by others, e.g., by a Foundation set up in Europe by ISOC or others). We have set up the Tides Fund and have used the Fund in-country funding efforts in Bali (joined by Facebook and Intel). However, the agreement between Tides and the UN has not yet proceeded. Historical documents: (i) The [proposal](#) from February 2013; (ii) I have several (private) email exchanges between February and December requesting status updates on the Tides/UN discussions; and (iii) [Here is a letter](#) that we sent to ASG Gass in December 2013 (which was favorably received by DESA); and (iv) Google has funded \$97k in Tides for the IGF's benefit, but the agreement needs to be finalized for the UN to transfer the funds.
- a. **Status.** As of February 2014, the Tides contract has not yet been finalized. The UN continues to promise that details are coming but is unclear when (or if) it will be completed.
- C. **HCA/Costing Table.** DESA informed us in September that a copy the standard packet of information that is provided to prospective host countries is available (e.g., the HCA template) related to expectations about hosting a meeting. In addition to the template for the HCA, we've discussed the need for a standard "costing table" or other details on the line items that countries are expected to provide.
- a. **Status: Partially open:** We do not yet have a costing table. Partially closed: The HCA Template was shared by DESA on January 13, 2014 and is in the [Google Drive](#).
- D. **Financial Regulations.** Several questions have been posed: what are the UN's financial regulations as they apply to funding of the IGF? How is the IGF trust fund administered, and on what terms? Are there terms of reference for the fund that can be shared? As we think about reform, it is important to understand the financial regulations that are implicated with the trust fund, including the overhead and fees that the UN retains (For example, we've heard that there's a 13% overall overhead charge, plus 1% for disability insurance), as well as any the other regulations that apply to the administration of trust funds that are made up of voluntary contributions. It's not that the overhead charges are problematic---but the lack of details on how the fund functions or how overhead charges are administered makes collaboration on funding difficult.
- a. **Status: Closed.** DESA shared the details of the financial overhead on January

² This email exchange is not public but in essence, it's a declaration from DESA that their expectation is that the private sector write and deliver a brief to DESA. If anybody is interested in further details, please contact me.

13, 2014 and is here in [Google Drive](#).

- E. **Notes from Prior Donor's Meetings.** There's a need to collect the notes and actions from prior donor's meetings in order to be able to track the commitments and status of actions.
 - a. **Status.** Closed. On February 11, 2104, the Secretariat shared the notes from the Bali meeting, which is in the in the [Google Drive](#).

III. Future plans

While we work on the core structural matters, below we are outlining some projects and initiatives that will make the IGF stronger and more relevant in the long term.

1. **Supporting national and regional initiatives.** The IGF should act as a steward in the area of governance globally, and help provide a platform for national and regional IGFs. Over time, the IGF should make governance curricula and content available to all, and to provide a platform for the exchange of information among and between various governance fora.
2. **Develop a web of affirmations.** There are many entities involved in governance-related issues, particularly those in the context of education, open government, health, tourism and agriculture. The IGF should develop cooperative arrangements with these entities to exchange information on each group's initiatives.