

Note on the participation of Civil Society on discussions regarding the improvement of IGF

1. The role of ECOSOC and CSTD

1. The IGF was created as a result of the discussions that took place in the World Summit of the Information Society ([Tunis Agenda, paragraph 72](#))¹. The WSIS Commitment and the Tunis Agenda were endorsed by the UN general Assembly in [Resolution 60/252](#) (paragraph 15) that invited Members States, United Nations bodies and other intergovernmental organizations, as well as non-governmental organizations, civil society and the private sector, to contribute actively to the implementation and follow-up of the outcomes of the Geneva and Tunis phases of WSIS.

2. Resolution 60/252 also requested UN Economic and Social Council (ECOSOC) to oversee the follow-up of WSIS and to review the mandate, agenda and composition of the Commission on Science and Technology for Development (CSTD), strengthening the Commission **taking into account the multi-stakeholder approach** (paragraph 12).

3. ECOSOC decided ([resolution 2006/46](#))², that the Commission on Science and Technology for Development (CSTD) should assist ECOSOC as the focal point in the system-wide follow-up, in particular the review and assessment of progress made in implementing the outcomes of WSIS, taking into account the provisions of paragraph 60 of the [2005 WSIS](#) Declaration of principles³, which stresses that there should be “**effective international and regional cooperation among governments, the private sector, civil society and other stakeholders** (...)”

2. Steps that were taken towards a multistakeholder participation on the work of CSTD

4. According to the report of the 9th session of the CSTD ([E/2006/31](#)), the Commission held a panel discussion about its role in the follow up of WSIS. This panel pointed out that one of the reasons why the Commission should be mandated to undertake the follow-up of WSIS was that “**the Commission could adopt a multistakeholder approach in its work, which has proved to be successful in the WSIS**” (Chapter II, item 7 d).

5. In spite of affirming that “while using the multistakeholder approach effectively, the intergovernmental nature of CSTD should be preserved” (resolution 2006/46), **ECOSOC opened an exception for the participation on civil society organizations and business sector entities in the work of the CSTD**. Civil society organizations were authorized to participate in the 10th and 11th meetings of the CSTD, if they had WSIS accreditation. This provision was based on the understanding that, in the meantime, these organizations would apply for consultative status with the Council.

¹ WSIS. Tunis Agenda for the Information Society <<http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>>

² ECOSOC. Follow-up to the World Summit on the Information Society and review of the Commission on Science and Technology for Development ECOSOC Resolution 2006/46 <<http://www.un.org/en/ecosoc/docs/2006/resolution%202006-46.pdf>>

³ WSIS Declaration of Principles. Building the Information Society: a global challenge in the new Millennium <<http://www.itu.int/wsis/docs/geneva/official/dop.html>>

6. Business sector entities could take part on the work of the CSTD in more flexible conditions. They should preferably (but not mandatorily) have WSIS accreditation and it was not established a limitation regarding the number of meetings they could take part on the future.

7. These understandings were reinforced and further detailed in ECOSOC resolutions [2007/215](#)⁴ and [2007/216](#)⁵. Both ECOSOC resolutions were endorsed by CSTD, according to the Report on the 10th session of CSTD ([E/2007/31](#))⁶

8. The representative of the Conference of non-government organizations (CONGO), who participated on the discussions of one of the panels organized by CSTD (Report [E/CN.16/2007/CRP.1](#)), called attention to the fact that, at that point, **only 20 per cent of the organizations accredited to WSIS were also accredited by ECOSOC**. (paragraph 38)⁷.

9. The representative on CONGO suggested that “The CSTD intersession panels should become a space for multi-stakeholder discussion, involving experts from all categories of stakeholders, building a community of reflection, without distinction as to their various categories. Those panels could become an advisory and fully multi-stakeholder preparatory process leading to the main session of the CSTD” ([E/CN.16/2007/CRP.1](#) paragraph 44).⁸

10. CSTD did take into account the unique multistakeholder nature of the discussions about internet governance and made significant exceptions regarding multistakeholder

⁴ ECOSOC “decided that (...) non-governmental organizations and civil society entities that are not in consultative status with the Council [ECOSOC] but which have received accreditation to the World Summit on the Information Society may participate, on an exceptional basis and without prejudice to the established rules of the United Nations, in the next two meetings of the Commission [CSTD], this provision being based on the understanding that, in the meantime, the said organizations and entities would apply for consultative status with the Council. ECOSOC. Participation of non governmental organizations and civil society entities in the tenth and eleventh sessions of the Commission on Science and Technology for Development. Resolution 2007/15 <http://unctad.org/sections/un_cstd/docs/ecosoc_dec2007215_en.pdf>

⁵ ECOSOC. Participation of business sector entities, including the private sector, in the work of the Commission on Science and Technology for Development. Resolution 2007/16 <http://www.unctad.org/sections/un_cstd/docs/ecosoc_dec2007216_en.pdf>

⁶ CSTD. Report on the tenth session (21-25 May 2007) <http://www.unctad.org/en/docs/ecn162007d4_en.pdf>

⁷ At the same time, it was mentioned that “the follow-up of WSIS should fully engage all actors concerned (...) without such engagement, the follow-up would miss crucial dimensions and areas of expertise”. It was important, therefore, to “mobilize and to raise awareness and interest on the CSTD” CSTD. Panel on promoting the building of a people-centered, development-oriented and inclusive information society. [E/CN.16/2007/CRP.1](#) <http://www.unctad.org/en/docs/ecn162007crp1_en.pdf>

⁸ It is interesting to notice that the Report of the Secretary-General recommends that CSTD makes the following recommendation to national governments: “Ensure a multi-stakeholder and bottom-up approach in the design, implementation and evaluation of ICT policies”. The same recommendation is made by ECOSOC in its resolution (Report 13th session of CSTD [E/2010/31 E/CN.16/2010/5](#)). If such a significant multistakeholder participation is encouraged on the national level, it is incoherent that multistakeholder participation has been so restricted in CSTD WG that aims to evaluate and make suggestions about one of the main WSIS outcomes, the IGF.

participation on the work of the Commission. On its 11th session, CSTD suggested ECOSOC to approve decisions that (chapter I, B. E/2008/31)⁹:

a) authorized non-government organizations with WSIS accreditation to participate on the 12th and 13th sessions of the CSTD (approved by ECOSOC [resolution 2008/217](#)). It is important to remember that ECOSOC had firstly authorized the participation only in the 9th and 10th sessions of CSTD. This participation was extended until 2011 by [Resolution 2010/226](#)

b) authorized academic entities, accredited to WSIS to participate on the work of CSTD. Academic entities accredited to WSIS cannot obtain consultative status with ECOSOC, according to resolution 1996/31 (ECOSOC [resolution 2008/118](#)). This was a considerable exception, that clearly recognizes the importance of multistakeholder participation to the work to be carried out by CSTD.

c) approved the participation of academic entities, including academies of science and engineering, **which were not accredited to WSIS** and which have expressed or express the wish to participate in the work of CSTD. The list of academic entities was supposed to be reviewed in 2010. (ECOSOC [resolution 2008/118](#))

11. The arrangements described in “b” and “c” for the involvement of academic organizations was extended until 2011 by [resolution 2010/227](#)

12. Resolution (2010/228) also stated that the former approved ways of participation of business sector entities, including the private sector, should also be extended until 2011.

13. These resolutions are a very strong sign of how multistakeholder inputs were considered fundamental to the process. **When balancing the formal requisite of accreditation and the importance of receiving valuable inputs, CSTD has constantly decided to favor the second.**

14. In the face of this, the Conference of NGOs in Consultative relationship with the UN (CONGO) has affirmed on their [contribution to the CSTD intersession panel](#) of 2008, in Kuala Lumpur that¹⁰:

“Basic UN rules and modalities for the engagement of non State stakeholders set up the frame of their right to be heard and to participate. But the way such rules have been implemented and put in motion in a number of arenas has demonstrated their flexible potentials. The provisions of the ECOSOC **Resolution 1996/31 have been implemented in very diverse ways in the various ECOSOC Commissions**, from the de facto equality between the three categories of ECOSOC status in the former Commission on Human Rights to the establishment of 9 Major Groups in the Commission on Sustainable Development. **In the case of the CSTD in particular, the Secretariat and the Chairperson will have a major role to constructively**

⁹ CSTD. Report on the eleventh session, chapter I, B. E/2008/31

¹⁰ Conference of NGOs in consultative relationship with the UN (CONGO). Contribution to CSTD panel on Progress made in the implementation of and follow-up to the World Summit on the Information Society outcomes at the regional and international levels.
<http://www.unctad.org/sections/dite_dir/docs/dite_pcbp_stdev0069_en.pdf>

interpret the meaning of ECOSOC 2006/46 and to use the flexibility of the current arrangements to apply the multi-stakeholder effectively”

15. In spite of recognizing positive decisions made by CSTD and ECOSOC regarding participation, CONGO stated that multistakeholder participation was one of the issues that needed to be further strengthened in the work of CSTD. The suggestions for improvement were clustered in four main areas: 1. Qualitative participation of all stakeholders during the CSTD session; 2. Involvement of all stakeholders in the sessions’ preparations; 3. Strengthening the multi-stakeholder component of the CSTD outcomes; 4. Ensuring the inclusive involvement of all stakeholders.

16. This contribution by CONGO shows that **there was a genuine expectation, based on actions that were taken by CSTD and ECOSOC, that the work of the CSTD related to WSIS follow-up would evolve towards a strengthened multistakeholder participation.**

3. Consultations about the IGF: the unexpected setback on the principle of full multistakeholder participation

17. Paragraph 76 of the Tunis Agenda Agenda, requested the Secretary-General to examine the desirability of the continuation of the Forum within five years of its creation and in consultation with Forum participants, and that he made recommendations to the Member States in this regard.

18. A questionnaire was proposed by the IGF Secretariat and was made available online, in IGF website. A formal consultation with IGF participants was conducted by DESA during the stocktaking session in the IGF Egypt, in which several statements were delivered. CSTD also called for contributions based on an questionnaire.¹¹

19. In the meantime, the Secretary-general issued a note, recommending the extension of the mandate of the IGF for a period of 5 years. The mandate should be reevaluated again in 2015, within the context of a 10-year review of implementation of the outcome of WSIS. Improvements to the format, functions and operations of the Forum should be considered at the Forum’s sixth meeting, in 2011. This position was endorsed by the UN General Assembly.

20. ECOSOC [Resolution 2010/2](#) invited the Chair of the Commission on Science and Technology for Development to establish, **in an open and inclusive manner**, a working group which would seek, compile and review inputs from all Member States and all other stakeholders on improvements to the Internet Governance Forum, **in line with the mandate set out in the Tunis Agenda**, and would make recommendations, as appropriate, to CSTD at its fourteenth session in 2011.

21. The chair of CSTD, Sherry Ayittey (Ghana) delegated the task of establishing the CSTD Working Group on IGF to Frederic Riehl, vice Chair of the CSTD, who organized a preliminary consultation with stakeholders at the fifth IGF, which took place in Vilnius, Lithuania in September 2010. The aim was to share views and exchange ideas on the composition, modalities and working methods of the Working

¹¹ Results can be seen in <<http://www.unctad.info/en/CstdWG>>

Group ([Chair's summary](#) of the preliminary consultations on the CSTD Working Group on the IGF)¹².

22. According to the summary, **“it was emphasised by a large number of interventions that it was essential that the working Group be composed of a balanced number of representatives from all stakeholders - governments, civil society and the private sector”**, while only “one participant indicated that the group should operate under the rules of procedures of ECOSOC and the General Assembly”¹³.

23. According to the [Tentative roadmap](#) of activities of the CSTD Working Group on IGF, presented by the vice-chair of the CSTD, “the final decision on membership of both governments and other stakeholders will be made by the vice Chair of the CSTD in consultation with the Chair and Vice Chairs of the CSTD”¹⁴. Unfortunately, this was not the case. The final decision was made in a rush manner, on a meeting that took place on December 6, without proper publicization of this meeting or of its agenda.

24. In spite of the strong support for convening a multistakeholder Working group, as all the previous informal consultations have demonstrated, the group gathered on December 6¹⁵ [decided](#) that “the Working Group shall include twenty member States¹⁶”, **without any further explanation about the reason why the participants believed that an intergovernmental working group would deliver better outcomes than an inclusive multistakeholder group.**¹⁷

25. To preserve the multistakeholder principle that has guided the governance of Internet since Tunis and that have been appointed as “critical to the successful implementation of WSIS objectives”. ([Report of the Secretary-General](#), paragraph 165)¹⁸, the decision made on December 6th should be review and modified and the chair of the CSTD should convene a multistakeholder Working Group, in accordance with Tunis Agenda, with ECOSOC [Resolution 2010/2](#) and with the [Chair's summary](#) of the preliminary consultations on the CSTD Working Group on the IGF and with the

4. The particular case of organizations from developing countries

26. Even if resolutions about participation of civil society organizations (with WSIS accreditation) and academic organizations (with or without WSIS accreditation)¹⁹ were based on the understanding that these organizations and entities would apply for consultative status with ECOSOC, there are some points to be considered:

¹² Available at http://www.unctad.org/sections/un_cstd/docs/cstd2010d01_en.pdf

¹³ Available at http://www.unctad.org/sections/un_cstd/docs/cstd2010d01_en.pdf

¹⁴ Available at http://www.unctad.org/sections/un_cstd/docs/cstd2010d02_en.pdf

¹⁵ The following countries were represented on the meeting: Argentina, China, Cuba, Egypt, France, Ghana, Greece, India, Iran, Israel, Jordan, Lesotho, Malaysia, Portugal, South Africa, Sundan, Switzerland and United States. There were no representatives from Brazil, Philippines or Slovakia, three among the five countries with representation in the CSTD bureau.

¹⁶ Fifteen CSTD member states, with three members from each ECOSOC's regional groups¹, plus the five countries that have previously hosted IGF meetings.

<http://www.unctad.org/sections/un_cstd/docs/cstd2010d08_en.pdf>

¹⁷ Available at <http://www.unctad.org/sections/un_cstd/docs/cstd2010d08_en.pdf>

¹⁸ Report of the Secretary-general. Progress made in the implementation of and follow up to the outcomes of WSIS. A/65/64 E/2010/12 <http://www.unctad.org/en/docs/e2010d12_en.pdf>

¹⁹ See paragraphs 10 and 11, above.

- a) Most organizations from developing countries were not aware of the debate about Internet Governance during WSIS, so they have no accreditation in WSIS. For the same reason, they did not apply for accreditation with ECOSOC;
- b) Organizations from developing countries have only become increasingly aware of the importance of Internet governance on the last years, and the IGF has played a major role on that. It is not accurate to affirm that they had 5 years to apply for ECOSOC accreditation;
- c) The WSIS review process and particularly the evaluation of IGF has helped to raise awareness about the UN ecosystem of organizations and departments that have a role in Internet governance matters, such as CSTD and DESA. This is extremely positive for civil society and for UN.
- d) Considering this, **civil society organizations from developing countries are particularly under-represented on CSTD**, in a crucial moment of making recommendations on IGF improvement.

27. It is very common in international fora to give developing countries more time to adjust to new situation, on the basis of transitional arrangements. On the case under discussion, civil society from developing countries should be given an extra time to adjust and to apply for ECOSOC accreditation.

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