



The Distributed Secretariat: Making the Internet Governance Forum Work

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The Internet Governance Forum is an innovative approach to international policy deliberation. If it is to work, equally innovative support mechanisms must be developed. This paper explains why international policy discussions are heavily dependent on the substantive preparatory activities of a Secretariat. And yet the Internet Governance Forum lacks the staff and resources needed to provide those services on its own. Keeping its structure “lightweight” is a requirement of the Tunis Agenda.¹ This paper outlines a new way for the Forum to meet the need for a substantive Secretariat. It proposes to create a “distributed Secretariat” wherein the Forum delegates to qualified academic or professional groups the responsibility for preparing the factual and normative analysis that can serve as the starting point for its public deliberations. This idea can be profitably combined with the idea of bottom-up discussion groups, first proposed in the IGP paper of February 3, 2006,² to develop an open, lightweight and flexible mechanism for efficiently identifying, defining and discussing Internet Governance issues.

The Need for a Substantive Secretariat

Since the founding of the United Nations, the success of intergovernmental deliberations has depended heavily on the work of Secretariat units that support their processes. There are two distinct ways secretariats support discussions. The first is that of technical secretariat. This involves organizing meetings, handling coordination with elected chairs, vice-chairs, rapporteurs and group spokespersons, as well as with non-governmental participants. It includes processing the reports of meetings, as well as formal meeting management.

The second is the function of substantive secretariat. This involves review and synthesis of the issues to be discussed and making the results available to participants as a keynote document. The keynote document provides a common starting point for discussions. Without a common document that sets out the relevant facts, previous agreements, current positions and possible directions, intergovernmental discussion is usually unfocused. The problem of preparation cannot be solved if all interested parties

¹ Tunis Agenda for an Information Society, para. 73.

² Milton Mueller and John Mathiason, "Building an Internet Governance Forum" (February 3, 2006). Internet Governance Project. Paper IGP06-001. Available at <http://internetgovernance.org/pdf/igp-forum.pdf>

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simply submit their own documents and positions prior to a meeting. First, the volume of documentation involved is prohibitive (the first IGF consultation in February 2006 had 35 written contributions). More importantly, none of these submissions could become the starting point for discussion without a political decision by someone that would indicate a bias toward a particular stakeholder. As a result, the discussion starts without a common basis. Often, these discussions only succeed in narrowing the definitions and issues – an outcome that could have been accomplished at the outset with a well-written keynote document. Given the broad range of issues the Forum must face, the communities involved in Internet governance cannot afford to waste that much time.

The evidence from some sixty years of United Nations system practice is clearly that a well-functioning secretariat can largely determine the extent to which intergovernmental deliberations are successful. There has been no systematic study of this, in part because if they are successful, secretariats are largely invisible and credit for success is given to the governmental negotiators. However, studies done of the processes of the United Nations Framework Convention on Climate Change (Paterson, 1996), the United Nations Convention on the Law of the Sea (DeMarffy, 1995), and the Beijing Declaration and Platform for Action (Mathiason, 1998) clearly indicate that secretariat services significantly affected the outcomes of discussions. This suggests that the IGF also needs a substantive secretariat.

For most international discussions an existing secretariat performs both the technical and substantive functions. The IGF, however, has only a small technical secretariat. There are no funds for the typical United Nations substantive secretariat. While this could be a problem, it can also be an opportunity.

The resource constraints encourage us to develop a new method of substantive secretariat support. That new method is what we term, using computer language, a distributed secretariat. By “distributed” we mean that critical functions of the substantive secretariat are delegated or distributed to appropriate stakeholder groups. The official IGF Secretariat remains in control of the delegation, but outsources most of the consultation, analysis and preparation work to others. We explain how this would work in greater detail in the third section of this paper. In the section below, we examine the criteria for determining what kinds of entities can take on these functions.

Characteristics of Good Secretariat Support

Secretariat support is effective because it provides a neutral, technically competent basis for discussion. It is presumed that the only interest that the secretariat has is in achieving consensus, within the mandate of the body concerned. Each of these concepts needs to be explored.

Neutrality customarily means that the secretariat does not represent the interest of any state involved in the process. Typically, international secretariats

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are multi-national in composition. Moreover, neutrality is one of the rules for United Nations secretariats included in Article 100 of the UN Charter:

In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

This does not mean moral neutrality. Secretariats are expected to support and promote the basic values of the organization, one of which is that Member States are responsible for decision-making and another is that non-governmental organizations shall be heard. In this context, secretariats are the custodians of what has been agreed and maintain the organization's institutional memory. Neutrality is particularly important in emerging multi-stakeholder arrangements, where the engaged parties not only have different legal statuses but also represent different constituencies with different interests.

Technical competence means that the secretariat is a credible provider of the information necessary to carry on an orderly debate. In regime theory, the first stage of agreement has to be on the facts and causal relationships in any situation. This is followed by an agreement on the norms and standards to apply in dealing with these facts. The importance of these agreements on principles for Internet governance has been underscored by Mueller, Mathiason and Klein (2006). Secretariats, through their surveillance of the academic and professional communities and literature, as well as of information collected by national governments, are able to assemble what would appear to be the full range of views about a situation. They are gatekeepers rather than innovators, users of information rather than producers.

To be credible, secretariats have to be able to show that they are aware of and sensitive to the main intellectual trends in a given field. This is not easy, especially in technical fields where contestation is frequent and data analysis complex. They must be able to understand the bases for disagreements. They must be able to show the nature of the balance between different perspectives and, ensure that factual evidence relating to different positions is presented fairly and accurately.

In order to maintain technical competence, good secretariats recruit for their staff professionals who understand the fields over which they are undertaking surveillance. They also develop working relationships with the main institutions and other actors in a field, both academic and professional. They demonstrate openness to hearing new ideas and weighing new evidence.

Criteria for a Distributed Secretariat

The characteristics of a good secretariat can be applied to the operation of a

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distributed secretariat. A distributed secretariat simply means that the substantive secretariat functions for the IGF are provided by non-United Nations entities that are charged with the task by the United Nations. These functions would include:

- Providing the factual and normative analysis to use as the starting point of discussions.
- Expert consultations intended to explore the extent to which consensus already exists on a given issue
- Indicating where the Forum discussion could most effectively focus on the issue

The entities performing the function would have to meet two criteria that would test their credibility: political neutrality and technical competence.

The neutrality test would be whether the entity considered itself, or was considered by other stakeholders, to be able to assemble all known positions and to present them in a systematic and balanced way. The entity's main interest in the outcome of discussion would be in ensuring that a consensus was achieved. Many stakeholders in the IGF would not meet the test. National governments by definition have vested interests, although these clearly must be taken into account. International intergovernmental organizations would also have trouble meeting the neutrality test in most instances. If the organization is active in setting policy in the area under discussion, it might have a vested interest in the outcome and thus would not be an appropriate party to mediate an unbiased discussion of public policy by other stakeholders and organizations. Even if the organization had no institutional self-interest in a topic, its status as an agent of member states would seriously hamper its attempt to be an impartial facilitator of a multistakeholder discussion; its channels of communication and consultation would be biased toward governments. Private sector stakeholders, particularly individual corporations or trade associations formed to lobby for public policies that advance the industry's interests, also have very direct economic interests in many issues. Among civil society stakeholders, those devoted to advocacy of a particular policy position also would have vested interests determined by their purposes. However, many professional associations and academic research institutes are comparatively good at analyzing and presenting issues in a balanced way because this is how they have been trained to work and deliberate. These civil society entities are also more independent of the divisive intergovernmental politics that often stall policy discussions.

Many stakeholders could meet the test of technical competence, although for any given organization competence would vary by issue. Most governments can draw on the work of their technical ministries. International organizations often have extensive expertise in their specific domain. Private sector corporations likewise have research and technical staff that can provide information, although the extent to which that extends to policy issues might vary. Civil so-

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ciety organizations are often built on epistemic communities, reflect their views and use the technical analysis provided by their members. Within civil society, professional associations and academic entities in particular build their reputations on the quality of their analysis.

Clearly, the analytical neutrality test is the more important of the two. Although both tests are necessary, the role of preparing the ground for discussion requires an unbiased and systematic approach to the framing of the issues. Here, professional societies and academic entities would provide one of the most appropriate choices for delegating the Forum's substantive secretariat function.

Operation of a Distributed Secretariat

How could the delegation of substantive secretariat functions be organized? Its operation could involve both bottom up and top down elements. Substantive secretariats in the United Nations often contract with outside consultants to provide specialized analyses. These consultants are given standing because they were commissioned, and the technical secretariat takes responsibility for them. A similar procedure could be followed in designating entities that would undertake substantive secretariat functions for sessions of the IGF. At the same time, a distributed Secretariat could take advantage of the voluntary work of discussion groups. It might function in this way:

1. The IG Forum should encourage self-organized, primarily virtual multi-stakeholder discussion groups to identify and explore possible topics for consideration by the main Forum. These bottom-up efforts would apply to the Forum's Multi-stakeholder Advisory Group (MAG) for recognition and to get on the Forum's meeting agenda.
2. Once the MAG accepts a topic, stakeholders would be encouraged to volunteer to provide substantive support in the issue area. Applicants would agree to incorporate the work of the discussion group(s) that gained recognition for the topic, find their own funding, produce a major discussion paper and, probably, agree to organize at least one pre-session expert group meeting either in-person or through online collaboration tools.
3. The IG Forum Secretariat would review the proposals and make a recommendation to its Multistakeholder Advisory Group.
4. The IGF Multistakeholder Advisory Group would decide which entity would serve as the substantive secretariat for that issue.
5. The selected entity would participate in the Forum, presenting its issue paper and the results of any expert consultations held.

A first decision of the IGF Multistakeholder Advisory Group should be to determine how the substantive secretariat function can be performed. We recommend that it use the distributed secretariat model suggested here.

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