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GLOBAL INFORMATION SOCIETY WATCH

*National and Regional Internet
Governance Forum Initiatives (NRIs)*



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A special edition of GISWatch, "Internet governance from the edges: NRIs in their own words", is being published as a companion edition to the 2017 GISWatch annual report. It looks at the history, challenges and achievements of NRIs, as recounted by their organisers. It is available at <https://www.giswatch.org>

BULGARIA

THE INTERNET GOVERNANCE FORUM DOES NOT WORK IN COUNTRIES WHERE GOOD GOVERNANCE DOES NOT WORK



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Introduction

This report considers the evolution of Bulgaria's involvement in Internet Governance Forums (IGFs) and its impact on the governance of top-level domains in the country.

Literature on good governance in general suggests that in environments with weak and captured institutions, positive legislative measures, anti-corruption efforts, and even the introduction of competition in a sector might have counter-intuitive or unexpected results. This is particularly the case if the different agendas of stakeholders are not taken into account, including those that do not have much interest in increasing transparency, competition and inclusiveness.

In line with this perspective, this report argues that embedded local institutions in Bulgaria tend to preserve a poor level of governance even when IGF principles and approaches are applied over a period of time.

Policy, economic and political background

Bulgaria enjoys a growing economy with flourishing information and communications technology (ICT) and knowledge sectors, high internet speeds, and the high diffusion of new technologies. At the same time it remains the poorest country in the European Union (EU) both from a poverty indicator¹ and from an income² perspective, with digital, social and educational exclusion a significant concern. Although politically unstable, with the government changing seven times (including three interim governments) over an eight-year period, Bulgaria enjoys a stable pool of policy makers and implementers at the Ministry of Transport and Communications (MTC) and the associated State ICT Agency. However, this is not a positive sign, as this stability is associated

with crony relationships and a lack of motivation for radical reform.

The government is usually open to inclusive policy development and multistakeholderism when it comes to creating new institutions such as councils, commissions and agencies, and reporting to the EU. However, any time the course of action does not fit the interests of top bureaucrats, this attitude changes. A notable instance was the country's broadband roll-out plan, where the MTC departed substantially from the cost-benefit analysis developed and required by the European Commission (EC). Instead of building infrastructure in areas with no broadband, the MTC invested tens of millions of euros to compete with existing private providers. Only protests on the streets, diplomatic pressure and a threat that the EU would stop a particular line of financing, forced a turnaround.

Unfortunately, when it comes to internet governance and infrastructure investments, this is not always the case. Issues are very sophisticated and the level of engagement by civil society is not enough to place pressure on the government. The government has also been clever enough to create its own quasi-NGOs that look independent, but which are controlled by insiders, to give a sense of credibility in the policy-making and implementation process, while drawing on state funding.

Introduction of .bg TLD as a means to curb the monopoly position of the incumbent registrant: A tale of the unexpected?

Pushing for access to be recognised

Although the multistakeholder approach to good governance and policy making has been experimented with in various internet-related fields in Bulgaria – even prior to the establishment of the global IGF³ – this has not yet had significant impacts. There are various institutional explanations why this is so.

Bulgaria was represented at the World Summit on the Information Society (WSIS) from the very beginning (Geneva, 2003 and Tunis, 2005),

¹ ec.europa.eu/eurostat/statistics-explained/index.php/Europe_2020_indicators_-_poverty_and_social_exclusion

² ec.europa.eu/eurostat/tgm/table.do?tab=table&language=en&pcode=teco0113

³ In 2017, the first planning event to hold a national IGF was held, but it is unlikely to take place in 2018.

but was not part of the Working Group on Internet Governance (WGIG), similarly to the other Eastern European countries. At that time, the prevailing policy platforms, which also engaged various stakeholders, were eEurope 2002,⁴ eEurope Plus⁵ and eEurope 2005⁶ within the EU accession process. They attracted broad interest and participation on internet governance issues from business associations, academia, civil society and various branches of government, and were accompanied with enough funding to achieve eEurope's milestones and goals.

One clear success in this process was the breakthrough in pressing Eurostat, which is responsible for statistics in the EU, and the European Commission to acknowledge LAN⁷ as a *de facto* broadband type in Bulgaria and other Eastern European countries. Initially it was not counted as internet access and, as a result, Bulgaria was ranked unrealistically low on indices. EU experts were advocating that the Bulgarian incumbent telecom operator should invest in ADSL fixed-line broadband at a time when we had higher speeds at home at lower prices. At that time, even the incumbent was phasing out ADSL technology, offering cheaper fibre-to-the-building or satellite internet. The differences in definition had profound effects on funding and policy choices. It took a strong multistakeholder effort to provide adequate and reliable information about internet diffusion and usage, both to national and European policy makers.

During the first IGF held in Athens in 2006, Bulgaria was represented by the then-Minister of State Administration who was not personally and institutionally interested in internet governance. As a result there were no subsequent stakeholder-wide efforts at engagement. Although not formally decided by any constellation of stakeholders, there was a clear split between policy issues put forward at the IGFs and those that emerged through multistakeholder engagement at eEurope. Both forums also impacted differently on stakeholder engagement in Bulgaria.

For quite some time (at least since 2003), the experts from the MTC participating at the IGF advocated for reforms in generic top-level domain (gTLD) management – first with regard to the monopoly and high prices of Register.BG, and later to

the need for Cyrillic domain names (since 2007). As the IGF was seen to have greater leverage when it came to both issues than any of the EU-level initiatives, these became the top Bulgarian priorities within the IGF setting. All other issues which would be of interest to non-EU countries at the IGF, such as ways to provide affordable, secure and safe internet and various public and private e-services for different target groups, would be routed by the MTC and other stakeholders for attention at the EU level.

Application for a new gTLD

The first formal suggestion to have a Bulgarian gTLD using Cyrillic letters (.бг)⁸ was sent to the Internet Corporation for Assigned Names and Numbers (ICANN) in 2007 by Uninet – an NGO led by Iliya Bazlyankov, who was the main organiser/host of the European Dialogue on Internet Governance (EuroDIG) 2015 and the founder of the South Eastern European Dialogue on Internet Governance (SEED-IG) held in 2015 in Bulgaria. Bazlyankov currently sits on the Multistakeholder Advisory Group (MAG) of the IGF representing his family company (he has been on the MAG since 2016).

In 2008 the Bulgarian government (then represented by the State Agency for Information Technology and Communications) filed an official request for the .бг gTLD and used the first EuroDIG meeting in 2008 to advocate for the domain name. At that time the introduction of a second domain name was seen as a way to push the incumbent registrar to liberalise the procedures and reduce prices. The government believed it had a chance to gain control over the administration of the domain directly or in partnership with business associations, which did not like the incumbent registrar policies.

ICANN refused the .бг domain – because it was visually similar to the .br (Brazil) TLD – just five days after it allowed the first Cyrillic domain, .рф (for Russia), in 2010. A second request was filed by the government, which again was rejected by ICANN in 2011. The idea of having a .бг domain (or other Cyrillic alternatives discussed publicly at the IGF) was criticised initially by some industry representatives, highlighting the need to improve governance of the incumbent registrar in Bulgaria, including through the introduction of competition. Gradually, with higher demands for the proliferation of gTLDs both from non-Latin-alphabet countries and from various businesses worldwide, it became inevitable that ICANN would approve the .бг domain in 2014 during the TLD “big bang”.

4 eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l24226a

5 merlin.obs.coe.int/iris/2001/7/article7.en.html

6 eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l24226

7 Local Area Network (LAN) internet providers were prevailing in Eastern Europe at that time. They connected home and business computers through UTP [unshielded twisted pair] cables to the internet service provider's backbone network, independently from the telephone network (ADSL) and cable television networks (which were the prevailing technologies in Western Europe). LAN speeds were higher (especially for downloads) compared to ADSL.

8 For example, софия.бг is the Sofia (София) Municipality's website.

Yet without the concerted efforts of the experts from the MTC attending IGFs and the group of businesses and NGOs supporting the idea of a new Bulgarian gTLD – among which were the Internet Society-Bulgaria,⁹ Global Libraries Initiative,¹⁰ Association of Electronic Communications,¹¹ Bulgarian Association for Information Technologies and Bulgarian Software Association¹² – it would not have been possible to overcome ICANN’s hesitation. Also critical were other relevant internet governance forums held in Bulgaria such as the Domain Forum¹³ (since 2012), which brought together experts on the issues and built a working confidence between the proponents of the .bg TLD and the senior professional management at the MTC.

Selecting a registrar for a new domain

The Bulgarian domain registrar was established in 1991 by the first internet provider in the country, Digital Systems.¹⁴ Ten years later the domain registration activities had been transferred to a new business entity, Register.BG, owned by the same owners as Digital Systems. Since the introduction of charges for domain registration and maintenance, various civil society organisations, industry and government have criticised the registrar for an over-priced and over-complicated service. The introduction of a new TLD and a public council on internet governance were sought by many internet governance stakeholders as a way to counterbalance the monopoly power of the registrar.

Whether carefully planned or just a nice coincidence, preparation for and the hosting of two major IGF-related events in Sofia in 2015 – EuroDIG and SEEDIG – by the main proponent for the .bg TLD provided legitimacy to the multistakeholder approach for the selection of the registrar of the new domain. The newly registered association, Bulgarian Domain Registrar, which was expected to administer the new .bg TLD in partnership with the MTC, brought together not only the initial proponents but the three largest hosting companies in the country, as well as software companies and various other NGOs.

There was a public bid for selection of the new registrar with two offers – the incumbent registrar

and a commercial company called imena.bg. Somewhat surprisingly, the tendering commission selected imena.bg. However, 75% of its capital is controlled indirectly by the owners of the incumbent registrar.¹⁵ To mimic the multistakeholder approach, which ICANN would be looking for when approving the registrar’s application for managing the TLD, two owners of Register.BG do not appear directly as shareholders in imena.bg, but through three companies. The remaining shares of the capital of imena.bg were given to the Bulgarian Library and Information Association (BLIA)¹⁶ (20%) and the Association of Electronic Communications¹⁷ (5%). This was a dramatic shift from all expectations for introducing more competition and better governance of Bulgarian gTLDs.

To make the situation worse, out of the initial 11 non-governmental representatives at the Public Council on Information Technologies and Internet Governance (established at the end of 2016),¹⁸ there are three representatives of the incumbent registrar (who are also related as family) and one representative of a quasi-NGO, which was part of the commission that approved imena.bg as the gTLD registrar. The Council is supposed to provide overall guidance, oversight and conflict resolution in internet governance in Bulgaria. The fact that Bazlyankov is a member of the Council provides a link to the IGF, yet it is far from being a guarantee that the IGF principles will be followed. Although in the past the MTC had good public-private partnerships with various NGOs represented at the Council, there is zero track-record of effective oversight and implementation of policies approved by the Council and especially led by civil society organisations. Given the fact that most of the senior management at the MTC and the institutions on the Council are the same as during the last decade or more, the risks for effective oversight of gTLD management and country policy implementation are extremely high. In an attempt to balance the interests at the Council, a newly appointed deputy minister assigned two NGOs (among the oldest and most reputable) to the Council in late May 2017. They are the Internet Society-Bulgaria and ARC Fund.¹⁹

9 <https://www.isoc.bg>

10 A joint initiative between Bulgarian Chitalishte (community centres), public libraries and the United Nations Development Programme (UNDP). www.glbulgaria.bg

11 www.bgsec.org

12 www.basscom.org

13 <https://domainforum.global>

14 <https://www.register.bg/user/static/aboutus/en/index.html>

15 <https://www.register.bg>

16 www.lib.bg

17 www.bgsec.org

18 <https://www.mticitc.gov.bg/bg/informacionni-tehnologii/obshtestven-suvet-po-informacionni-tehnologii-i-upravlenie-na-internet/obshtestven-suvet-po-informacionni-tehnologii-i-internet-upravlenie>

19 www.arcfund.net

Domains for public institutions

One serious policy issue that has not been resolved – either by the government or by the new registrar – is how, in the best public interest, to handle the domain names of public institutions. Domain names of various institutions do not properly reflect their institutional affiliations, and municipalities have had their domains registered as .coms following bungling by the registrar. With frequent institutional transformation, the domain legacy is not properly managed. All of this creates risk and uncertainty, and a lack of trust, for citizens and businesses to navigate and trust the online presence of institutions.

This remains the case despite the fact that there has been sufficient time since the .bg approval. The MTC has been well aware of the problem for many years and there have been plenty of suggestions on how the government could streamline the internet presence of public institutions, starting with a standardised way to translate the name of an institution to a domain name, including having as few as possible name changes for institutions. (Quite often, though, name changing and restructuring is conducted only to remove unwanted officials, who otherwise could not be removed.)

Regional reflection

While it has not had a national IGF *per se*, Bulgaria has had its IGF-like national event – the Domain Forum – since 2012. It is linked as a national initiative under the EuroDIG umbrella. Yet the event positions itself as an international event. It does this in an attempt to increase its legitimacy, but also as a manifestation of the “glocality” of all modern events. This led to the creation of the Center for Internet Governance,²⁰ an NGO registered in Bulgaria but with a regional focus, as well as the annual Balkan School for Internet Governance.²¹ The school was launched in Sofia in 2015 alongside EuroDIG and SEEDIG.

EuroDIG and SEEDIG 2015 were well attended by local stakeholders, including a deputy prime minister, Ivailo Kalfin, the Digital Champion for Bulgaria²² Gergana Passi, the deputy minister of the MTC, academia, civil society organisations, journalists and lots of private sector representatives. The forums were inclusive, although rather like a fair instead

of building bridges or strengthening relationships or coalitions between stakeholders. There were no policy commitments made at them, either. The two events have had a strong influence on the region, but had limited national impact. SEEDIG now runs well and independently from EuroDIG, providing additional room for experts and stakeholders from the region to discuss and strengthen cooperation. The 2017 Domain Forum included the first formal planning event for a national IGF in Bulgaria in 2018. With the upcoming Bulgarian presidency of the Council of the EU in 2018, the current internet governance stakeholders in Bulgaria should stand united despite the conflicts and disagreements they have and do their best to get good internet governance principles onto the presidency’s agenda.

Conclusions

Bulgarian internet stakeholders have engaged with European policies, initiatives and activities prior to and during the institutionalisation of the IGF. The latter attracted mid-level government officials and domain-name specialists and entrepreneurs. Instead, a higher involvement by other stakeholders was observed during EuroDIG and SEEDIG in 2015; however, this involvement was short-term and did not translate into sustainable partnerships and commitments that delivered later on.

Despite the success in getting the .bg TLD approved by ICANN, when the incumbent registrar won the bid to maintain the new registry through a new company, the motivation of the private sector and government stakeholders involved dissipated. Bulgaria’s current involvement in the IGF is observed only in EuroDIG and the MAG (but this is more in people’s individual capacity than institutional capacity).

A learning point for the UN: introducing a multistakeholder approach at country level should be accompanied by instruments that can help ensure the positive impact of multistakeholder dialogue. Such instruments could include financing, which would guarantee the implementation of mutually agreed-on projects, and external monitoring.

At the same time, looking at other national, regional or global forums, a failure with respect to concrete policy outcomes is not necessarily the fault of the forums, but of the national commitment to creating these outcomes in the multistakeholder environment that is available. To a certain extent, the IGF works for countries that already have good governance and working relations between stakeholders (like in Estonia) and is less effective in countries where these are absent.

20 <https://cig.bg> (Account temporarily suspended as of 30 September 2017.)

21 <https://bsig.center>

22 <https://ec.europa.eu/digital-single-market/en/content/about-digital-champions>

Action steps

The following issues should receive attention from civil society:

- *Collaboration:* Local civil society could achieve significant results working with international and bilateral organisations, large international non-governmental and not-for-profit organisations and private business to team up and press the Bulgarian government to deliver on promises made at international events or in bilateral communication with EU governments. Too often, local governments are given the luxury of not being asked tough questions, or not being pushed to immediately deal with conflicts of interest or set up transparent procedures.
- *Good governance guidelines:* During the next IGF, a good governance framework should be developed which would provide guidelines on how to resolve conflicts of interest at consultative councils on internet governance at the country level. For example, these could include guidelines on TLD management and how to guarantee the fair pricing of domains. Each year, governments should be assessed vis-à-vis such a framework, and where necessary, pressure should be placed on the government to comply with the guidelines. A system of peer-review could be developed, where civil society organisations from different countries evaluate a situation to avoid unhealthy alliances between governments and civil society organisations (as happens in the Balkans).
- *Research:* One of the unresolved issues in Bulgaria is the standardisation of domain management of public institutions. Although there are various approaches across countries, there seems to be a need for comparative research that highlights good practices.

National and Regional Internet Governance Forum Initiatives (NRIs)

National and Regional Internet Governance Forum Initiatives (NRIs) are now widely recognised as a vital element of the Internet Governance Forum (IGF) process. In fact, they are seen to be the key to the sustainability and ongoing evolution of collaborative, inclusive and multistakeholder approaches to internet policy development and implementation.

A total of 54 reports on NRIs are gathered in this year's Global Information Society Watch (GISWatch). These include 40 country reports from contexts as diverse as the United States, the Democratic Republic of Congo, Bosnia and Herzegovina, Italy, Pakistan, the Republic of Korea and Colombia.

The country reports are rich in approach and style and highlight several challenges faced by activists organising and participating in national IGFs, including broadening stakeholder participation, capacity building, the unsettled role of governments, and impact.

Seven regional reports analyse the impact of regional IGFs, their evolution and challenges, and the risks they still need to take to shift governance to the next level, while seven thematic reports offer critical perspectives on NRIs as well as mapping initiatives globally.

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