NETmundial*+10*

Global challenges
for the governance
of the digital world

Tech Global Institute's Contribution to the NETmundial+10 Consultation

I - PRINCIPLES FOR INTERNET GOVERNANCE PROCESSES

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I - A) THE 2014 NETMUNDIAL PROCESS PRINCIPLES

1. The 2014 NETmundial meeting adopted a set of 10 Principles for Internet Governance Processes. In light of the rapid technical, social, and economic evolutions that have taken place since then, please indicate below your degree of support for the following statements:

The 10 "NETmundial Internet Governance Process Principles" adopted in 2014 remain relevant to address today's digital governance challenges

( ) Strongly agree

(√) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

Our persistent difficulties in dealing with digital issues largely stem from insufficient inclusion of all relevant stakeholders in policy discussions

(√) Strongly agree

( ) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

Our persistent difficulties in dealing with digital issues reflect different interests, priorities and value systems of distinct stakeholders

(√) Strongly agree

( ) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

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2. After reviewing the set of Principles for Internet Governance Processes from NETmundial 2014, do you think they need to be supplemented, in order to guide the development of the governance of the digital world?

The NETmundial 2014 Principles for Internet Governance Processes remain deeply relevant today and does not need substantive revisions. That said, future iterations will benefit from added emphasis on multistakeholder and decentralized. Further, we recommend accountability to be incorporated within the process itself, i.e. that governments, private sector, and other relevant stakeholders should not only consult wide range of stakeholders for governance decisions, but also make the submitted contributions public and transparent. There should be clear metrics outlined throughout the process that holds decision makers accountable to actions they took based on the feedback.

I - B) STAKEHOLDER RESPONSIBILITIES

3. The 2014 NETmundial statement includes the following "multistakeholder" Internet Governance Process Principle: "The respective roles and responsibilities of stakeholders should be interpreted in a flexible manner with reference to the issue under discussion". The distribution of roles and responsibilities between stakeholders is an ongoing (and contentious) subject of debate. In this regard, please indicate below your degree of support for the following statements:

Each stakeholder group has different roles and responsibilities, depending on the topic and phases of specific governance processes

(√) Strongly agree

( ) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

Most digital governance processes are applying the above mentioned "multistakeholder" principle

( ) Strongly agree

( ) Agree

( ) Neutral

( ) Disagree

(√) Strongly disagree

( ) I don't know / I'd rather not respond

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4. Do you see room for improvements in the implementation of the above mentioned "multistakeholder" principle? If yes, what would you suggest?

Most digital governance processes today are lacking an inclusive multistakeholder process, and even in cases where it is being implemented, it often tends to be biased and non-inclusive. We recommend the multistakeholder principle should be supplemented with robust and transparent public consultation. This reduces risks of the multistakeholder model being co-opted to discriminate against specific communities or stakeholders, or only work with like-minded entities, both of which are challenges in the Asian context.

I - C) COORDINATION

5. Numerous initiatives and processes have emerged to address the broad diversity of issues raised by the digital revolution. Sometimes, multiple processes address the same issues in parallel. Please indicate below your degree of support for the following statements:

Separate siloed discussions on a specific issue risk creating incompatible and even conflicting outcomes.

( ) Strongly agree

(√) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

Distributed initiatives on a particular issue can help cover the diversity of approaches and perspectives.

( ) Strongly agree

(√) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

Better coordination is needed between processes dealing with overlapping issues

(√) Strongly agree

( ) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

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6. If you believe better coordination is needed, please suggest ways to do so and specific text or language that could be included as recommendations in a NETmundial+10 outcome statement.

Diverse approaches in mitigating multi-layered challenges in the digital ecosystem can build more governance resilience, i.e. if one approach fails, the others may work. However, diversity should not be conflated with siloes and there should be some degree of coordination between initiatives. We recommend the following text:

Distributed initiatives on a particular issue can cover diversity of approaches, however should proactively seek ways to reduce fragmentation in outcomes.

*Distributed initiatives should outline a clear outline for **outputs** and actively collaborate on **outcomes** with the shared objective of bolstering the resilience of the multistakeholder model.*

II - GUIDELINES FOR THE IMPLEMENTATION OF MULTISTAKEHOLDER MECHANISMS

There is broad consensus to support the multistakeholder approach, but little common or broadly-shared understanding about how to put it into practice. NETmundial+10 aims to help operationalize, through guidelines, principles and mechanisms, improvements for multistakeholder collaboration.

II - A) PARTICIPATION IN MULTILATERAL PROCESSES

7. Some multilateral processes offer the possibility for non-governmental stakeholders to contribute through consultations. However, these examples remain limited and there is often no transparency on how these inputs are taken into account in subsequent stages of discussions among States. Please indicate below your degree of support for the following statements:

Since NETmundial 2014, opportunities for non-governmental stakeholders to participate in multilateral processes have been improved

( ) Strongly agree

( ) Agree

( ) Neutral

(√) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

More transparent mechanisms should be put in place regarding how input from non-governmental stakeholders is taken into account

(√) Strongly agree

( ) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

Relevant non-governmental stakeholders should be able to attend/observe multilateral negotiations on digital issues.

( ) Strongly agree

(√) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

Relevant non-governmental stakeholders should be able to contribute in a meaningful way to multilateral negotiations on digital issues.

(√) Strongly agree

( ) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

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8. Please suggest ways to improve meaningful participation of non-governmental stakeholders in multilateral processes and add specific text or language in that regard that could be included as recommendations in a NETmundial+10 outcome statement. If possible, please indicate examples you know of meaningful participation of stakeholders in multilateral-driven processes.

The term 'multistakeholder' has long been criticized for its elasticity, therefore, being used as a front for excluding specific communities in favor of others. We recommend meaningful multilateral processes to be defined through its success in engaging with multistakeholder models. Specifically, we recommend multilateral processes to introduce a transparent set of criteria for engaging with non-governmental stakeholders and building procedural safeguards to ensure feedback has been taken into account. Our recommend text is as below:

Multilateral processes should be deemed successful if it is supplemented with robust, multi-round public consultation that outlines how non-governmental and community participation will inform decision making and be held accountable to such commitments.

Example: While not entirely multilateral or bilateral, the Canadian government's approach to its draft Online Harms Act included a series of community townhalls facilitated by non-government leaders. These townhalls enabled a decentralized process for gathering feedback and established a relatively transparent model to understand how the feedback was being incorporated.

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II - B) GUIDELINES FOR MULTISTAKEHOLDER CONSENSUS-BUILDING AND DECISION-MAKING

Principles of open and inclusive multistakeholder collaboration in digital governance are scattered in various foundational documents and declarations. The characteristics enunciated below are distilled from some of those documents that deal with multistakeholder collaboration processes as well as from current good practices and experiences.

The aim here is to obtain feedback from the community as to the relevance of each of these characteristics, with a view to elaborating a sort of "gold standard" or "protocol of protocols" that may serve national, regional, and global communities to establish and develop multistakeholder collaboration processes and mechanisms, as well as to assess processes and mechanisms that are presented as being multistakeholder.

9. Please rank the relevance of the following guidelines in the order of importance in your view. Assign a number from 1 to 12 to each item, where 1 indicates the most important and 12 indicates the least important:

Multistakeholder processes should be accessible to all stakeholders, regardless of their background, status, or level of expertise.

1 (√) 2 ( ) 3 ( ) 4 ( ) 5 ( ) 6 ( ) 7 ( ) 8 ( ) 9 ( ) 10 ( ) 11 ( ) 12 ( )

Multistakeholder processes should empower stakeholders by providing them with the necessary information, resources, and skills to participate effectively.

1 ( ) 2 (√) 3 ( ) 4 ( ) 5 (√) 6 ( ) 7 ( ) 8 ( ) 9 ( ) 10 ( ) 11 ( ) 12 ( )

Stakeholders should treat each other with mutual respect, recognizing the value of diverse viewpoints and contributions.

1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) 6 ( ) 7 ( ) 8 ( ) 9 ( ) 10 ( ) 11 ( ) 12 (√)

Multistakeholder processes should involve informed and deliberative discussion among stakeholders.

1 ( ) 2 ( ) 3 (√) 4 ( ) 5 ( ) 6 ( ) 7 ( ) 8 ( ) 9 ( ) 10 ( ) 11 ( ) 12 ( )

Stakeholders should share responsibility for the outcomes of the multistakeholder process.

1 ( ) 2 (√) 3 ( ) 4 ( ) 5 ( ) 6 ( ) 7 ( ) 8 ( ) 9 ( ) 10 ( ) 11 ( ) 12 ( )

Multistakeholder processes should be governed by the rule of law, with respect for constitutional principles, human rights, and legal frameworks.

1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) 6 ( ) 7 (√) 8 ( ) 9 ( ) 10 ( ) 11 ( ) 12 ( )

Mechanisms for resolving conflicts among stakeholders should be in place to enable decision-making.

1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 (√) 6 ( ) 7 ( ) 8 ( ) 9 (√) 10 ( ) 11 ( ) 12 ( )

Digital governance processes should be flexible and adaptable to changing circumstances, evolving technologies, emerging issues, and changing geopolitical dynamics.

1 (√) 2 ( ) 3 ( ) 4 (√) 5 ( ) 6 ( ) 7 ( ) 8 ( ) 9 ( ) 10 ( ) 11 ( ) 12 ( )

Decisions should consider the long-term implications and sustainability of outcomes.

1 ( ) 2 ( ) 3 ( ) 4 (√) 5 ( ) 6 (√) 7 ( ) 8 ( ) 9 ( ) 10 ( ) 11 ( ) 12 ( )

Capacity-building efforts enhance understanding and skills of stakeholders, particularly those from developing countries and underrepresented communities.

1 ( ) 2 (√) 3 ( ) 4 ( ) 5 ( ) 6 ( ) 7 ( ) 8 ( ) 9 ( ) 10 (√) 11 ( ) 12 ( )

Multistakeholder processes should strive to treat all stakeholders fairly and equitably, considering their respective needs, capacities, and vulnerabilities.

1 ( ) 2 ( ) 3 ( ) 4 ( ) 5 ( ) 6 (√) 7 ( ) 8 (√) 9 ( ) 10 (√) 11 ( ) 12 ( )

A global multistakeholder approach to digital governance should recognize the need for collaborative action across national borders and stakeholder groups.

1 (√) 2 ( ) 3 ( ) 4 ( ) 5 ( ) 6 ( ) 7 ( ) 8 ( ) 9 ( ) 10 ( ) 11 (√) 12 ( )

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10. Please identify up to three relevant items from the above list you consider are not being effectively implemented in current digital governance processes.

(√) Multistakeholder processes should be accessible to all stakeholders, regardless of their background, status, or level of expertise.

( ) Multistakeholder processes should empower stakeholders by providing them with the necessary information, resources, and skills to participate effectively.

( ) Stakeholders should treat each other with mutual respect, recognizing the value of diverse viewpoints and contributions.

( ) Multistakeholder processes should involve informed and deliberative discussion among stakeholders.

(√) Stakeholders should share responsibility for the outcomes of the multistakeholder process.

( ) Multistakeholder processes should be governed by the rule of law, with respect for constitutional principles, human rights, and legal frameworks.

( ) Mechanisms for resolving conflicts among stakeholders should be in place to enable decision-making.

(√) Digital governance processes should be flexible and adaptable to changing circumstances, evolving technologies, emerging issues, and changing geopolitical dynamics.

( ) Decisions should consider the long-term implications and sustainability of outcomes.

( ) Capacity-building efforts enhance understanding and skills of stakeholders, particularly those from developing countries and underrepresented communities.

( ) Multistakeholder processes should strive to treat all stakeholders fairly and equitably, considering their respective needs, capacities, and vulnerabilities.

( ) A global multistakeholder approach to digital governance should recognize the need for collaborative action across national borders and stakeholder groups.

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11. Please suggest additional elements that could take part in a set of guidelines for multistakeholder collaboration that could be included as recommendations in a NETmundial+10 outcome statement. If possible, please indicate examples you know of multistakeholder processes that stand out in your view as positive models of such collaboration.

- A global multistakeholder approach to digital governance should recognize the principles enshrined in international human rights frameworks, such as the International Bill of Rights, and hold multilateral processes accountable to it.

- A global multistakeholder approach to digital governance should recognize that countries and communities are at different stages of democratic and institutional maturity and should ensure diverse equities are factored in to build robust consultation processes.

III – INPUT TO ONGOING PROCESSES

III-A) THE INTERNET GOVERNANCE FORUM – IGF

12. The IGF environment, including the global annual event, the National and Regional Initiatives and the intersessional work, brings together all stakeholder groups on an equal footing. Please indicate below your degree of support for the following statements regarding the IGF:

The IGF has been an effective space for Internet governance debates and cooperation

( ) Strongly agree

( ) Agree

( ) Neutral

(√) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

The IGF lacks the required financial resources to properly perform its mission

(√) Strongly agree

( ) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

With appropriate conditions, the IGF has the capacity to innovate multistakeholder approaches

( ) Strongly agree

(√) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

A strengthened IGF would be the preferred space to improve coordination among digital governance processes

( ) Strongly agree

(√) Agree

( ) Neutral

( ) Disagree

( ) Strongly disagree

( ) I don't know / I'd rather not respond

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13. Do you believe that a strengthened IGF environment, including the NRIs and the intersessional work, could be the right place to coordinate debates on the governance of the Internet and digital issues, and thus help tackle the problem of governance fragmentation? If so, in which ways should the IGF environment be strengthened in order to fulfill this role?

The IGF has amassed significant criticism over the years, particularly in its ability to facilitate meaningful multistakeholder dialogues and collaborations. Despite these limitations, the IGF is a well-established forum that holds the potential to become a more resilience, inclusive environment to tackle the problem of governance fragmentation with the right levels of reform in its structure. We recommend that the IGF can be strengthened by:

- Establishing a revised set of outcomes— determined through a decentralized multistakeholder consultation process—that is tied to the IGF's mission and explicitly tackles governance fragmentation
- Establishing procedural guardrails to ensure participation and discussions are multistakeholder, for example, ensuring panels have a combination of government and non-government stakeholders
- Establishing more robust transparency measures around the outcomes of the IGF and holding stakeholders accountable to those outcomes

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III-B) OTHER PROCESSES (GDC, WSIS+20 Review)

Several processes are under way in the UN context regarding the governance of digital issues, in particular the negotiations around the Global Digital Compact (included in the Pact for the Future) and the WSIS+20 review process. They may set fundamental guidelines and recommendations for the further development of the Internet and the digital ecosystem as a good for society and for achieving the Sustainable Development Goals – SDGs. As a unique gathering with all participant stakeholders on an equal footing, do you believe that NETmundial+10 should send messages to these processes?

14. If you think NETmundial+10 should send messages to the Global Digital Compact, please indicate below what these key messages would be.

The Global Digital Compact has prompted two principal concerns where the Netmundial+10 can intervene:

- The fraught process of creating the GDC has undermined meaningful multistakeholder participation. Netmundial+10 should nudge the GDC to incorporate its Principals for Internet Governance Processes that is inclusive, decentralized, on equal footing for all participants, transparent and accountable.

- The GDC is triggered by the need to tackle the 'content' layer of the Internet without factoring in the 'technical' layer, thereby risking governance fragmentation. Netmundial+10 should nudge the GDC to not duplicate existing efforts; instead, the GDC should take lessons from where existing institutions have fallen short and provide a forum to facilitate reform of these institutions through the multistakeholder process.

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16. Do you think there are other processes that could benefit from the outcomes of the NETmundial+10 meeting? Please detail and indicate which key messages could be sent to those processes.

(Your answer here – up to 2500 characters)

The outcomes of the NETmundial+10 meeting should actively engage with regional and national IGFs, as well as the ICANN and ITU processes, with specific focus on transparent procedural safeguards on designing multistakeholder models.