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Putting the Multistakeholder model to work

Case studies from around the world



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Is the Internet inherently multistakeholder?



Why the MS approach?

Diverse stakeholders with an interest in the Internet's future should have a say in the ways in which the Internet evolves and is used

- Compatible with the Internet's fundamental principles: open, distributed, interconnected, participatory, and bottom-up
- Prevents capture of the Internet by one constituency to the expense of another
- Benefits from various perspectives, leading to better outcomes



But there are challenges...

As the Internet becomes central to society, economy, more stakeholders have started jostling for prominence in Internet governance

- Unilateral decision-making is on the rise (e.g. 'cyber sovereignty' by states, private policies like Internet companies' terms and conditions)
- Some stakeholders support the MS approach in some areas while asserting their dominance in others



How it all started

The World Summit on Information Society (2003 and 2005)

- Stakeholders were divided between those who wanted more open, MS approach; and those who preferred government controls
- Consequently, the UN Secretary General set up Working Group on Internet Governance (WGIG) in 2004, made up of diff stakeholder groups from diff regions, which drafted the first (and lasting) working definition of Internet governance



Internet governance is the development and application by governments, the private sector, and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.

WSIS 2005



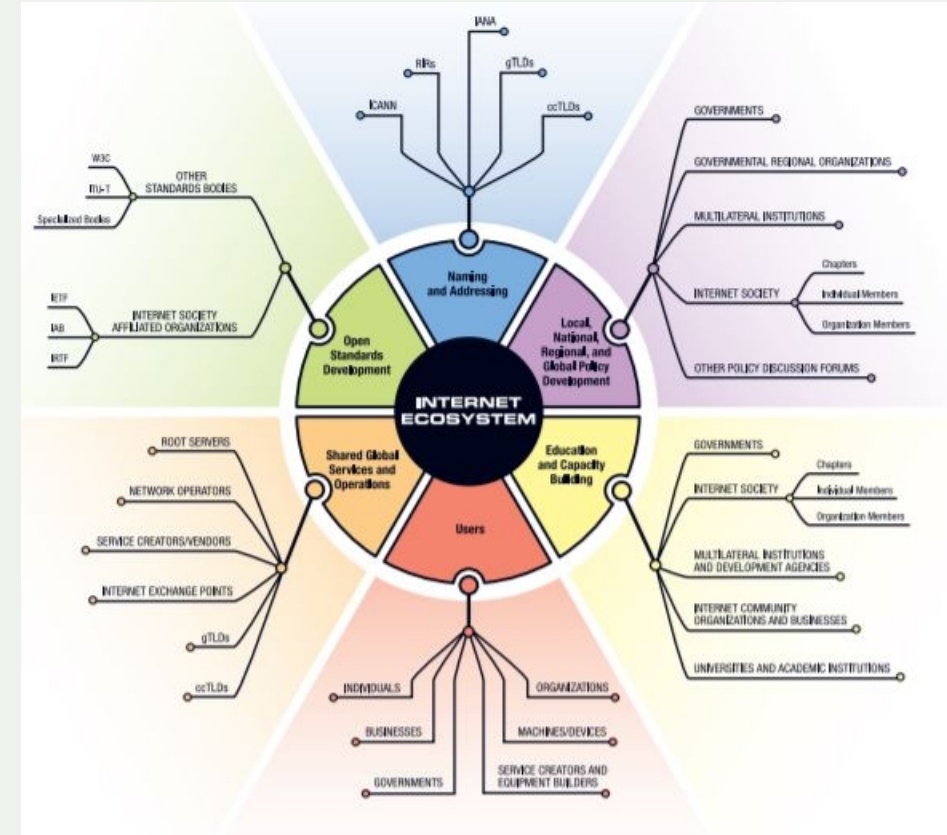
Internet governance should be built on democratic, multistakeholder processes, ensuring the meaningful and accountable participation of all stakeholders, including governments, the private sector, civil society, the technical community, the academic community and users. The respective roles and responsibilities of stakeholders should be interpreted in a flexible manner with reference to the issue under discussion.

NETmundial 2014

MS is now a globally accepted approach...but is it being practiced?

Commitments to MS principles now appear in almost every institutional agreement on ICTs or the Internet

- Organization for Economic Cooperation and Development (OECD) in 2008 and 2011;
- UNESCO at a WSIS+10 Review 2014;
- Council of Europe in 2009;
- International Telecommunication Union (ITU) in 2010 and 2014
- G8 in 2011
- African Union in 2014



MS in practice



Kenya: KICTAnet

Background

- UK DFID-funded programme, Catalysing Access to ICT in Africa (CATIA), sought help from civil society
- Research was done to identify which stakeholders need to be engaged
- Stakeholders were gathered for a meeting in 2004— KICTANet was formed as a loose alliance to help develop ICT policy framework for Kenya
- Newly created Ministry for Information and Communications was open to collaborating with other stakeholders
- Ministry invited KICTAnet to review its draft ICT policy in 2005



Kenya: KICTAnet

How they did it

- KICTAnet created a working group and an action plan to get MS response together
- Used email to collect comments, and organised a national MS workshop to review draft
- Ministry used submissions as working document and incorporated them into the final policy, which was approved in 2006



Kenya: KICTAnet

Long-term impact

- Government came to depend on KICTAnet whenever public participation was required
- Paved the way for other MS initiatives. Other successes include:
 - Organising the first regional IGF (East African IGF) and national IGF in 2008
 - 2010 Kenya ICT Master Plan
 - Regulatory approval of M-Pesa and of VoIP services
 - Contributed to drafting of National Cybersecurity Strategy
 - Coordinated public consultation for 2014 African Union Convention on Cybersecurity



Kenya: KICTAnet

Challenges

- Only 50 subscribers are active in mailing list (800 participants)
- Most discussions dominated by 'usual suspects'--newcomers can feel intimidated, and it's harder for them to get feedback on the list
- Has over 4,000 members, but participation now is less diverse than when KICTAnet started
- Private sector prefers to negotiate directly with government, and keep quiet on local issues
- Needs more sustainable funding



Brazil: Marco Civil da Internet

Background:

- In 1999, a Cybercrime Bill proposed to criminalise some common online activities and give more powers to authorities—shelved due to widespread criticism. This highlighted need for legal framework to counter threats to civil rights
- In 2009, the Ministry of Justice public consultations, working with the Centre for Technology and Society at Getulio Vargas Foundation



Brazil: Marco Civil da Internet

How they did it

- Ministry of Culture's online portal for consultations, Twitter, on-site debates were used to solicit comments
- 1st round: input on a white paper on civil rights from the Brazilian Constitution and CGI.br Principles. Subsequently, Ministry of Justice drafts a bill based on contributions and priorities highlighted by stakeholders
- 2nd round: thorough review of proposed bill
- Consultations received 2,000 substantive comments; online consultations had 1,507 comments users, CSOs, telecom companies, government agencies, universities, etc. –these led to changes in subsequent versions of the draft bill
- Marco Civil was introduced in National Congress in 2011 –it was submitted to the House of Representatives on several occasions but didn't make progress
- It resurfaced in the legislative agenda in 2013, following Snowden revelations--then-President Dilma Rousseff sanctioned it into law after 7 months in 2014

Brazil: Marco Civil da Internet

Impact

- Final version states that MS should be transparent, collaborative, democratic participation of stakeholders must be guaranteed to aid Internet development in Brazil (Art. 24)
- Led to more public consultations to determine how law should be interpreted and applied
- Created an expectation among stakeholders that they will be consulted for any future bill on Internet
- rovided good template for conducting participative process (e.g. campaigns, petitions, online platforms, social media, news media)
- Inspired Italy when it was developing a similar framework (Declaration of Internet Rights) which it adopted in 2014



Brazil: Marco Civil da Internet

Challenges

- MS participation was more difficult once bill had reached parliament—stakeholders depended on the politicians pushing for the bill
- Marco Civil's ability to protect digital rights online remains to be seen –Brazil has subsequently tried to block platforms like WhatsApp



South Korea: Challenge to real name policy

Background:

- In 2005, South Korea's National Assembly amended Election of Public Officers Act, requiring all users to verify their identities before joining web portals and other major sites
- In 2007 the new Information and Communications Network Act mandated user identity verification by every Internet portal—this was expanded in 2009 to apply to all service providers with an average of 100,000 or more visitors per day
- Required website operators to obtain, verify, and store personal ID details (inc. name and Resident Registration Number) of any user who wants to post anything on their platforms



South Korea: Challenge to real name policy

Repercussions

- 'Chilling effects' to freedom of expression online
- Risked users' privacy by exposing them to potential data breaches--e.g. cyberattack in 2011 of popular portal and social networking site stole personal details of 35m users
- Ineffective and easy to circumvent—there no mechanism to verify if a user was providing real data
- Curtailed innovation—small businesses were burdened with additional costs to collect, store and safeguard data
- Suppressed competition—in 2011, international portals like YouTube and Facebook became exempt from the provision, so users preferred them over local counterparts



South Korea: Challenge to real name policy

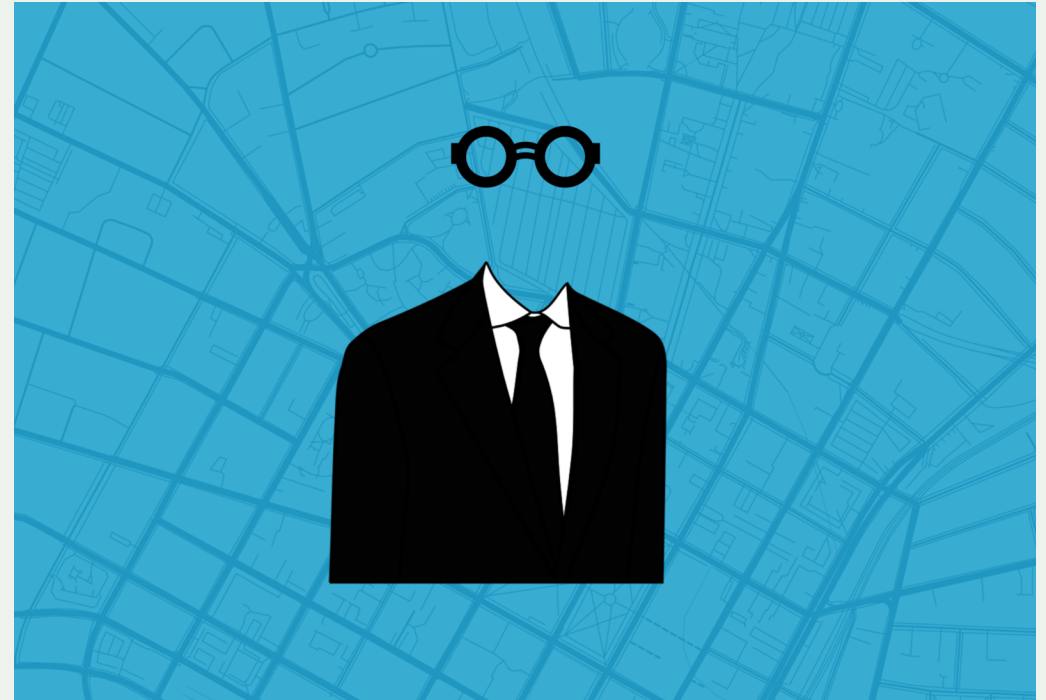
How they did it

- From 2008, different stakeholders began to informally gather to discuss Internet policies
- YouTube disabled its Korean page and posted a blog on its stance on freedom of expression, fuelling others to take a public stance together
- They gathered input, examples, rationale, and research from different stakeholders to submit to court
 - Technical community made a case on why it's futile to try to identify users accurately or measure the number of unique visitors to a page
 - Businesses provided data on the costs of establishing, storing, and managing such a system safely.
 - CSOs focused on effects to human rights and value of online anonymity
- In 2010, they launched a constitutional challenge of article 44(5) of the Network Act

South Korea: Challenge to real name policy

Impact

- In 2012, Constitutional Court unanimously ruled that the provisions were unconstitutional
- Because of the ruling, the Personal Information Protection Act was amended in 2013, prohibiting website administrators from collecting users' RRNs and requiring them to destroy all RRNs on record



IGF Best Practice Forum on Gender

Background

- In 2011, the UNGA Economic and Social Council WG on Improvements to the IGF, set up to review the IGF's performance, called for more tangible outputs to 'enhance the impact of the IGF on global Internet governance and policy'
- The Multistakeholder Advisory Group (MAG) and Secretariat developed an intersessional programmes like the best practice forums (BPFs) to help capture information discussed in annual IGF meetings
- In 2015, the MAG decided to devote one of six BPFs to a gender-related challenge facing the Internet, focusing on online abuse and gender-based violence
- At the IGF's annual meeting in 2015, BPF outcome document of 184-pages was published, along with an abbreviated version in the IGF's consolidated BPF handbook
- The MAG decided to extend the BPF Gender's mandate in 2016, focusing on women and (meaningful) Internet access

IGF Best Practice Forum on Gender

How they did it

- MAG nominated 2 members from different stakeholder groups to help coordinate the BPF on Gender
- IGF Secretariat appointed a consultant rapporteur
- Tools used:
 - open mailing list for calls for input and/ or other relevant information.
 - online meetings to introduce the topic to stakeholders, after which a summary was published on on the IGF's website.
 - surveys to gather more input on some of the substantial questions
 - open, editable online platforms (Etherpad, Google Docs, Google Forms, and Google Sheets); documents were made available on MS word for those from regions that don't allow safe access to Google

- Draft outcome documents were published on open platforms like the IGF's review platform for at least 3 weeks--all comments were collated and thematically analysed
- BPF outputs have appendices that explain what happened with each comment received on the platform – i.e., how they were incorporated into the main text, and if not what the reasons were
- Stakeholders were encouraged to submit case studies or examples of relevant practices
- Onsite meetings in other regions (e.g. in IGF meetings in Latin America, Caribbean, Asia-Pacific) were conducted

IGF Best Practice Forum on Gender

Challenges

- Some participants don't deliver what they promised, others suggest more and more ambitious and time-consuming tasks
- Large Internet companies didn't have much incentive to participate, so the MS process can feel like an echo chamber
- Participants were targeted by trolls on Twitter, which was used by BPF to gather input; some received negative emails
- As it was a controversial topic, hostile actors joined virtual meetings using false identities or impersonating other people
- These had a 'chilling' effect on participation



Takeaways



Lessons

- The success of these MS initiatives were affected by external factors (e.g. geopolitical situation, global events, like the Snowden revelations)--stakeholders have to get creative in exploring avenues for action and capitalising on opportunities
- Not all MS processes include all stakeholders—specific stakeholders that should be involved depend on the nature of the issue, but anyone with a legitimate interest is a stakeholder
- Less popular views and disagreements are welcome—but don't feel you have to indulge malicious and disruptive actors
- Stakeholder groups and interests are not fixed--sometimes there differing views between entities even if they may share broad interests

Breakout session



Which entity are you?

Who should you involve? Why—what can they contribute?

How will you convene them?

Which tools, avenues, mechanisms, platforms will you use to achieve your goal?

What concrete outcome(s) would you like to have?

What challenges do you anticipate?



Multistakeholder collaboration values

Inclusive

Diverse

Collaborative

Transparent

Equal

Safe

**Accountable, Flexible
and relevant**

Responsive

Guidelines

- Identify relevant stakeholder groups and involve them from the start—who can contribute? Who will be impacted? Who is responsible for implementing outcomes?
- Be realistic with time commitments and/or resources-- many stakeholders engage on a volunteer basis--but be prepared to commit time to engage properly
- Have special provisions for underfunded and underrepresented stakeholders –not only funding support but resources, capacity-building, mentorship
- Have diversity not only in stakeholder groups, but in the interests they represent, which can vary within stakeholder groups
- Define the challenge or concern that you want to address from the outset, and the goals you want to achieve, and agree on norms to guide how you will work together, (e.g. extent of transparency, flexibility required, ways of making decisions)

Guidelines

- Ensure that any stakeholder can participate at any stage in the MS process, and can participate on an equal footing
- Have mechanisms in place to ensure that participants can feel safe to express their views in the public sphere
- Multistakeholder mechanisms should regularly evaluate processes, outcomes and goals to ensure that they remain legitimate, relevant, and on track.
- Have a feedback loop--involved parties are entitled to a feedback loop about their participation—let them know what (if anything) was done with their inputs, why particular decisions were taken subsequently, and whether appeal or redress opportunities are available

Get involved.

There are many ways to support the Internet. Find out today how you can make an impact.

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