

# ATLAS II Thematic Group on the Future of Multistakeholder Models

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## Abstract

As a form of participatory democracy that builds on the other forms of democracy practiced in the world today, the variety of multistakeholder models have a promising future.

However, multistakeholderism is not monolithic, it must recognize the different roles played by different stakeholders in different issues. And that any person, alone or as part of a group should be able to contribute fully to that process according to their expertise and interests.

Furthermore, multistakeholderism is threatened by those who reject this form of democracy, oftentimes by the same states who reject democracy. This rejection of multistakeholderism finds support in all other sectors, but at this point in time those who support the model form a rough consensus in its favor.

Multistakeholderism is a form of democratic action that is still evolving and still needs a fair amount of care and attention to thrive. NETmundial has given the world one of its first examples of multistakeholder decision making modalities. This points the way forward for multistakeholderism.

## Questions

1. What are the current deficiencies in the ICANN multistakeholder model?
  - a. Is the ICANN model suitable for other organizations?
2. Discussions about multistakeholderism often refer to the concept of an "equal footing". Recognizing that different roles are played by different stakeholders in different issues, what do we mean by "equal footing", and how can we ensure that an appropriate balance of interests is achieved when addressing each issue?
  - a. What is essential to ensuring the full participation of all interested parties?
3. Is it a problem that the stakeholder groups are typically divided in the configuration of Government, Civil Society, Private Sector?
  - a. How can these different groups self-organize and being inclusive?
  - b. Should there be more flexibility to allow for other interests, such as an always equal role for the technical community, and inclusion of the broader academic community as a unique stakeholder group?
4. What can ICANN learn from NETmundial, its process and recommendations (reference Internet governance process principles)?

## Reference Sources

[Thematic Group 1 Document Store](#)

# Report

## FINAL VERSION TO BE INCLUDED IN THE DECLARATION:

*The final version to be included in the Declaration and endorsed by the ALAC will be placed here.*

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## FINAL DRAFT VERSION TO BE ENDORSED BY THE ATLAS II PARTICIPANTS

*The final draft version to be endorsed by the ATLAS II participants will be placed here.*

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## FIRST DRAFT SUBMITTED

### ATLAS2 Thematic Group 1 (TG1) on "the Future of Multi-Stakeholder Models" (\*)

Going forward, in considering the future of Multi-stakeholder Models (MSMs), the At-Large Community identified four overarching themes.

#### Inclusiveness

For the purpose of this analysis, the Group defined inclusiveness within the multi-stakeholder approach as 'the possibility for any person or entity to participate in the governance processes dealing with issues in which they have a direct or indirect stake'.

Of particular interest and concern to the Group is the role of governments within the context of the MSMs. A number of government statements during the NetMundial meeting indicated a discomfort with MSMs and a desire to revert to intra-governmental policy making, either through the ITU or a strict interpretation of WSIS declarations. Many members of the Group had encountered situations in which governments asserted that they believe that they are above the MSMs. The argument that is usually highlighted here is the fact that democratically elected bodies claim to represent the public interest. However, the Group felt not all governments are democratically elected, nor the fact that all act on public interest.

Furthermore, the need to begin a discussion about the appropriate roles and responsibilities of stakeholders in multistakeholder processes was noted, with concern that current default formulation dates from the earliest days of the World Summit on the Information Society, now more than a decade old, does not reflect the current situation. NETmundial's recognition of the "different roles played by different stakeholders in different issues" is an important evolution of this old approach.

The pace, global consequences, and technical grounding of Internet governance decisions requires that all stakeholders participate directly in the processes. This assertion does not exclude governments both in their well-established role, but identifies their participation in the multistakeholder mechanisms.

The group's answer to this challenge is to assert that the consensus of national public interests does not necessarily constitute a global public interest. Other interests exist which surround political boundaries, especially in the promotion of and maintenance of openness and universally accepted standards. Furthermore, advances in communications technologies make bottom-up participation far easier than has been possible in the past.

The artificial segmentation of "interest communities" (often referred to as "silos") may be necessary for the purposes of organization, efficiency and diversity of opinions. However the composition and number of silos should be flexible, as different policy realms may call for different groupings of communities with common interests. This said, silos should not be a dominant feature within ICANNs context, and further engagement within communities should be encouraged.

#### Legitimacy

The Group determined that as MSMs evolve, they require grounds on which legitimacy is established. This legitimacy should be sufficiently stakeholder group balanced and inclusive. This is essential in order to attain the trust of the wider stakeholder community. While not all stakeholders will achieve all their objectives within an atmosphere of collaboration and consensus, the MSM processes should seek to ensure that all views are reflected in the outcome.

In order for MSMs to evolve, they must be flexible enough to allow for both democratically chosen representatives of affected and interested parties, as well as independent personal contributors. Inclusion must be the default state, and any restriction to participation must be supported by specific justification.

While the product of individual submissions may not necessarily be afforded the same priority of attention as the work of larger representative groups, which may be more deliberative, all input should be considered on its merits including independent research, dissenting opinions and minority reports. Such inclusiveness promotes democratic participation and strengthens the legitimacy of the resulting work.

#### Effectiveness

In order to satisfy public confidence, a decision-making model (if this is required) such as an MSMs demands a sufficiently unrestricted membership, as well as efficient processes and clarity of scope. Meeting these requirements offers a process that cannot be legitimately excluded from consideration in government and other high-level public policy development sector.

The Group recognizes that the use of the MSM, especially within the implementation context of ICANN, might be more time consuming than less-inclusive approaches to decision making. However the benefits of legitimacy and inclusiveness far outweigh the difference in pace. The greater likelihood that a sufficiently inclusive MSM will "get things right the first time" and reduce the need for remedial effort outweighs the impulse to exclude stakeholders in the name of expediency.

The Group supports reasonable measures to make MSM processes more efficient, however they must be acceptable to all stakeholders and may not impede demands for groups to be sufficiently deliberative with their communities. Also supported is periodic review of the MSM in use in any particular context, to ensure that the processes and silo compositions adequately address the relevant decision making requirements.

The group also recognized the usefulness of the Internet governance process principles proposed by NETmundial, and that these principles can be adopted as a reasonable test of how well an organization or process can be considered to be a legitimate MSM.

### **Accountability**

The Group determined that accountability should be seen not only as a tool for transparency, but an effective way to hold intervening parties responsible of their actions. The challenge remains on designing a mechanism or structure that will be able to implement these measures in a manner that maintains (and indeed enhances) public trust.

Issues related to conflicts of interest must be addressed directly. In the ICANN model, disclosure of interests via the Statement of Interest (SOI) has traditionally been sufficient, enabling conflicted parties to remain as active participants in decision making that directly affects their business relationships. (Indeed, this practise has enabled some ICANN stakeholders to be accused of being on "both sides of the table" during contract negotiations.)

Furthermore, in the interests of maximum clarity, declarations of potential conflict must be repeated by the affected individuals each time that a vote or gathering of consensus takes place.

### **Summary**

The future of MSMs needs to put users back in the center of the decision making process. This doesn't mean that users will make all decisions but instead that decisions must be made aiming to benefit users as their ultimate goal.

### **Recommendations:**

- 1.- We recommend that ICANN continues to do outreach programs that enable engagement by a more broader audience in order to grow the participation from all stakeholders.
- 2.- We recommend that ICANN increases budget support to programs that have proven to bring valuable members to the community.
- 3.- We recommend that ICANN engages in a deeper effort to continue shaping an accountability model that reaches not only Board members but also members throughout the ICANN community in order to develop a more transparent and healthier environment.
- 4.- We recommend that the ALAC follows up on these recommendations and provides continuity to ensure that recommendations are implemented to the extent possible.
- 5.- We recommend that ICANN in order to break down the silo culture study the role of enhancing and increasing liaisons roles between the different AC /SO's.
- 6.- We recommend that ICANN examines how post the IANA transition, the end-user constituency remain at the heart of the accountability process.
- 7.- We recommend that ICANN MSM model encourages all participants within the model to declare and repeat potential conflict of interest by the affected individuals or parties, each time a vote or gathering of consensus takes place.
- 8.- We recommend that a periodic review of the MSM is performed to ensure that the processes and silo compositions adequately address the relevant decision making requirements in ICANN.

### **Observations:**

- 1.- We observed that there is not a single MSM or a one-size fits all model that addresses all the needs of different groups and we encourage the community to foster diversity and interaction between the different models so best practices continue to be identified and implemented across the multiple models.
- 2.- We observed that the artificial segmentation of "interest communities" (often referred to as "silos") may be necessary for the purposes of organization, efficiency and diversity of opinions. But the composition and number of silos should be flexible as different policy realms may call for different groupings of communities with common interests. Cross-community (i.e. cross-silo) working should be encouraged.
- 3.- We observed that in order to satisfy public confidence the MSM model demands a sufficiently unrestricted membership, efficient processes and clarity of scope.
- 4.- We observed that in order to satisfy public confidence the MSM model further engagement between different parts of the ecosystem should be retained.
- 5.- We observed that in order to engage with a wider community outside the Internet governance ecosystem, fellowship programs should be encouraged to discourages poorer people within richer nations to participate. This is raised as many fellowship programs within the ecosystem use the World Bank system in determining eligibility of candidates.

### **Appendix**

(\*) The Group began proceedings by changing its the name from "the Future of Multistakeholderism". The Group concurred that the use of the term "multi-stakeholderism" connotes a kind of faith or belief system, and that the concept of participation models that share policy development input amongst the various affected constituencies.