

WSIS+10 Review Event, Paris, 27 February 2013, 09.30-11.00

## Workshop report

# Multistakeholder principles session

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**Facilitated by International Chamber of Commerce's (ICC) Business Action to Support the Information Society (BASIS)**

Number of participants: 50

Number of remote participants: None

### Speakers:

- **Bertrand de La Chapelle**, Director, Internet & Jurisdiction Project, International Diplomatic Academy, and Director, ICANN Board
- **Ambassador Benedicto Fonseca Filho**, Director, Department of Scientific and Technological Affairs, Ministry of External Relations, Federative Republic of Brazil
- **Wolfgang Kleinwächter**, Professor, Internet Policy and Regulation, Department for Media and Information Sciences, University of Aarhus
- **Ana Neves**, Director, Department of Information Society, Science and Technology Foundation, Ministry of Education and Science, Portuguese Republic
- **Theresa Swinehart**, Executive Director, Global Internet Policy, Verizon

### Moderator:

- **Jeff Brueggeman**, Vice President Public Policy and Deputy Chief Privacy Officer, AT&T

### Remote Moderator:

- **Constance Weise**, Assistant Policy Manager, Digital Economy Commission/BASIS, ICC

### Rapporteur:

- **Barbara Wanner**, Vice President, ICT Policy, US Council of International Business

### Summary of presentation and/or debate:

This session was aimed at building upon discussions that took place at the IGF, including the Taking Stock session at the 2012 IGF in Baku, and other events to promote awareness of multistakeholder principles and to share ideas about how they can be developed and effectively used.

## PANEL DISCUSSION

### Bertrand deLa Chapelle

Mr. de La Chapelle explored how to expand the use of multistakeholder principles to new institutions or processes. Key points include:

- Since WSIS, three elements of multistakeholder engagement have emerged: (1) open participation, as illustrated by the IGF; (2) equal footing of stakeholders; and (3) a bottom-up



setting of the agenda. The challenge now is to develop concrete modalities governing multistakeholder decision-making.

- There is a distinction between governance of Internet and governance on the Internet. For governance of the Internet (i.e., the protocols, DNS, addresses, etc.) there already exists a distributed ecosystem of multistakeholder governance.
- For governance on the Internet, we don't yet have the same range of multistakeholder tools. Existing multistakeholder mechanisms, such as the IGF, continue to evolve in response to gaps identified through stakeholder discussions. We want to make certain that other UN bodies evolve according to the MS model – but perhaps new processes are needed for some issues? This needs to be explored.
- Sovereignty becomes an issue, particularly in trying to understand and define stakeholder participation “in their respective roles.” The roles of stakeholders, however, are not set in stone. For some topics, some actors may have more weight. Their weight will vary according to the issues, the venue where they are discussed, and/or the phase of discussions.
- The traditional approach to sovereignty, which focuses on the separation of territorial boundaries, difficultly applies to the cross-border nature of the Internet. Governments and other stakeholders will be forced by necessity to find ways to jointly manage the “shared spaces” of cyberspace.
- Mr. de La Chapelle expressed his hope that a strong understanding and consensus will emerge about the importance of the WSIS+10 Review being as strongly multistakeholder as possible and a further step forward from the Tunis event. In 2015, we will already have three multistakeholder events: the WSIS forum, the IGF, and the CSTD. Another event/forum probably is not needed to assess progress realized through the WSIS process.

## Ambassador Benedicto Fonseca Filho:

Ambassador Filho provided a case study of how Brazil has implemented a multistakeholder approach to Internet governance. Key points include:

- An Interministerial Ordinance in 1995 established the Brazilian Internet Steering Committee (CGI) comprising 9 members. The government has always participated in the minority, with the rest of the commission drawn from other stakeholder groups.
- In 2003, a Presidential decree expanded the CGI to 21 members and decided that each sector should select its own CGI members. The CGI has always operated in a completely open and transparent manner; meetings are open to the public and records fully available online.
- The CGI manages and decides the .br assignments. It advises Government and Congress and takes an integrated approach to Internet governance, from its jurisdiction over Computer Emergency Response Team (CERT) to the development of broader policies and principles. Freedom of expression, privacy, and respect for human rights serve as fundamental parameters for Internet governance. Among other principles for governance and use of Internet developed by the CGI, the objective to provide universal access and respect for cultural diversity is featured.
- The CGI has been a pioneer of multistakeholder principles.
- The Brazilian experience shows that each stakeholder must recognize the legitimacy of others. There also must prevail an understanding that although the roles of stakeholders are differentiated, they all share responsibility for crafting sound policy.
- Brazil has not rested on its laurels, but has allowed its multistakeholder Internet governance model to continue to evolve and improve.
- Brazil is ready to work with all stakeholders in order to ensure that this also takes place at the global level. The Brazilian government supports IGF and looks forward to the implementation of enhanced cooperation taking into due account the multistakeholder approach.



## Wolfgang Kleinwächter

Prof. Kleinwachter provided an historical perspective on development of the multistakeholder model for Internet governance. Key points include:

- Since the WSIS process began in Geneva, the multistakeholder model has served to enrich the dialogue and add an important new layer to handle new complexities. This does not replace existing policy-making models. Each stakeholder has an important, irreplaceable role to play. The multistakeholder model therefore fills the gaps of the existing system without replace the “old system.”
- When WSIS began, Internet governance was a relatively minor issue. Governments, in particular, could not fathom the concept of Internet governance. They quickly came to recognize the value of additional knowledge offered by business and the technical community to understanding all that Internet governance encompasses.
- The Internet does not need a leader. It needs multiple players and partners contributing in their respective roles. This flies in the face of China’s contention that the increasing growth and sophistication of the Internet warrants greater government involvement in its governance.
- The Internet is a distributed system, so it follows that the best approach to its governance should allow for the participation of distributed actors. The multistakeholder model reflects this distributed participation of actors needed to inform Internet governance on business, technical, and cultural/consumer use issues.
- We are still “learning by doing.” We need issue-based procedures. The government may take the lead on cybersecurity issues, for example, but it still needs input from the technical community for sound governance. For each issue we may need a slightly different model of multistakeholder participation. A one-size-fits-all approach will not work. A bottom-up approach, driven by substance, will guide development of the best multistakeholder model to address a particular issue.

## Theresa Swinehart:

Ms. Swinehart explored the foundations in the Tunis Agenda and IGF discussions for the multistakeholder model and how the model of multistakeholder engagement has evolved. Key points included:

- Discussions on the Tunis Agenda set the premise for subsequent dialogues on the multistakeholder model for Internet governance. More recently, the Chair’s report from the 2012 IGF in Baku set forth 25 sets of principles that have been developed in various forums, such as the OECD, Council of Europe, CTU, Brazil’s Principles for Internet Governance and Use, and civil society organizations.
- It is time to continue the dialogue on the multistakeholder model for Internet governance – in a multistakeholder manner. The multistakeholder approach embraces and facilitates interdependent forms of engagement with respect to Internet governance.
- Indeed, multistakeholder engagement has become the norm. The accepted reality is that one needs to tap the collective expertise from government, business, the technical community, and civil society to properly understand the impact on all participants of certain approaches to governance and policy. Such multistakeholderism will have the effect of moving Internet governance forward in a positive manner, aimed at developing long-term solutions.
- It is time to discuss what is multistakeholder engagement and the thresholds of norms of engagement. We must consider the next steps to bring cohesiveness to this next phase of engagement on Internet governance issues.



Ana Neves :

Ms. Neves explored challenges in multistakeholder decision-making and overall dynamics. Key points included:

- How does one think about decision-making in a multistakeholder approach? Are we achieving a decision-making level enabling all stakeholders to participate on an equal footing? Depending upon the theme, the architecture of multistakeholder groups and decision-making will be different.
- Sometimes governments must move things forward, but other times, “leave the floor” to other stakeholders.
- As we think about what constitute multistakeholder principles, we see that, indeed, there are multiple governments, multiple civil society groups, multiple business groups involved. And, importantly, within all of these groups there are different points of view. This enables much richer discussions on Internet governance issues, but can be very challenging for decision-making and implementing policy decisions.
- Governments are not accustomed to “negotiating” on an equal footing with non-governmental stakeholders. But the fact remains that the Internet does not “belong” to any one group, which makes multistakeholder engagement on governance all the more important.
- Because of the diversity of stakeholders, we are facing a complex situation, requiring different responses depending on the issues.
- We need a high level of social involvement by the different stakeholder groups.

## SESSION RECOMMENDATIONS :

1. **Fundamental Design/Operational Principles** -- There are some fundamental design/operational principles that constitute multistakeholder approaches and processes. These include: open participation to all stakeholders; ability for all stakeholders to contribute; self-organization; engagement on equal footing; transparency; bottom-up agenda-setting; and due process. There has been progress in the engagement of stakeholders and open participation, and the IGF has catalysed the creation of regional and national IGF initiatives on all continents. Nevertheless, ongoing efforts are needed to broaden engagement of stakeholders, particularly in developing countries.
2. **Governance Of and On the Internet** -- There is a distinction between governance of the Internet (i.e. logical layer of protocols, DNS, addresses, etc.), where a distributed ecosystem of multistakeholder governance exists, and the governance on the Internet (regarding usage, freedom of expression, privacy, cybercrime, etc.) where existing mechanisms, such as the IGF, continue to evolve in response to deficiencies identified through multistakeholder discussions. Thus, the time is right to establish multistakeholder principles publicly and efficiently to set the premise by which governance of the Internet and governance on the Internet develop. It also is important to continue to improve existing mechanisms enabling multistakeholder governance of the Internet.
3. **Challenges of Multistakeholder Formats** -- Using multistakeholder formats to address key policy issues and for decision-making (beyond open consultations) raises specific challenges. Such challenges include how to form multistakeholder advisory groups, how to achieve balanced geographical representation, how to build capacity to promote effective participation, the role of steering groups, risks of capture, management of conflicts of interest, representation and decision making, and general legitimacy.



4. **Roles of Stakeholders** -- The respective roles of stakeholders are interdependent in addressing topics and implementing solutions. They have shared responsibilities on all issues, with different weights according to the different topics and the stages of the discussion in the governance workflow. Moreover, each stakeholder group must grapple with its own internal differences. This makes the multistakeholder process richer, but more challenging.
5. **Evolving Mechanisms for the Multistakeholder Model** -- Multistakeholder mechanisms and frameworks should continue to evolve to address concrete problems, on a distributed, issue-by-issue basis. Such mechanisms are an effective way to address Internet governance issues, as opposed to relying exclusively on traditional inter-governmental processes. Governance in the knowledge society will continue to benefit from expanded government interaction with other stakeholders.
6. **Exchange Among International Organizations** -- As the Internet increasingly impacts all facets of individuals' lives, the new multistakeholder approach engages with a broad stakeholder community, involved in development, access to knowledge, governance, and environmental, science and technology and trade policies. All forums and organizations relevant to Internet governance therefore should liaise with relevant international processes and institutions to bring about new layers of understanding and contribute to policies relevant to Internet access.
7. **Progression of the Multistakeholder Model** -- The WSIS +10 review process should be fully multistakeholder and not regress from the progress made during the past 10 years. The process should involve existing organizations and processes, such as IGF, the WSIS Action Lines Forum, and the CSTD, which in the past decade have improved cooperation among different stakeholders. This has helped to unleash the potential in the multistakeholder model to address the social, political, and economic growth envisioned in the Tunis Agenda.

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