

Internet Governance Forum (IGF) 2014

Best Practice Forum on Developing Meaningful Multistakeholder Mechanisms

Executive Summary

The Best Practice Forum agreed on definitions for stakeholders and multistakeholder mechanisms. Stakeholders were defined as interested individuals or groups while the mechanism is seen as an iterative, open, known, accessible, transparent process, balanced among stakeholders who are seeking rough consensus.

Participants expressed a strong desire to move forward beyond discussions of definitions, asserting that in some circles “multistakeholder mechanism” was an obstructive jargon that made it difficult for new participants and outsiders to view and understand Internet governance deliberations. Moreover, many elements of the process existed already in a variety of decision making contexts.

The novelty of multistakeholder mechanisms in the Internet context was the broad expanse of potential stakeholders combined with balanced participation by stakeholders, which outside of Internet governance discussions may have radically different levels of resources, such as individual users and national governments which were not familiar with interacting with other actors in a balanced way.

The Best Practice Forum also examined the inputs of multistakeholder mechanisms, which essentially focused on the nature, and character of participating stakeholders.

Major findings

While advocates of multistakeholder mechanisms seek to be expansively inclusive, their efforts are frequently inadequate to the task of educating potential stakeholders about Internet governance and enabling them to make an informed choice about participating. Similarly, some stakeholders which wish to participate may be unable to do so, due to a shortage of resources. While resources are allocated to alleviating this situation, they are inadequate to current needs and are not increasing comparably to the growth of the Internet.

One of the strengths of multistakeholder mechanisms is that they invite the broadest possible participation. While this is true of some but not all international Internet governance discussions, it frequently is not the case in national discussions where the state is a predominant stakeholder. The participation and contributions of non-state stakeholders may reflect this power disparity. Contributors agreed that well-informed stakeholders, well versed in their own experience on a particular issue and with broader knowledge of global positions are better able to contribute. This in turn enhances and strengthens the results of multistakeholder mechanisms.

Another key factor in facilitating productive outcomes is the presence of trust among stakeholders. It was noted that transparency and accountability were important components of building trust. However, trust is developed over time by stakeholders acting in accordance with previous statements as judged by other stakeholders. In the setting of Internet governance multistakeholder mechanisms, many stakeholders have had previous interactions, which bear on the initial level of trust they bring with them. Enhancing trust among stakeholders is a challenging, time consuming process.

One significant problematic issue raised by participants is the prospect of bad actors. Multistakeholder mechanisms assume that stakeholders have an interest in reaching outcomes supported by rough consensus. Bad actors may seek to damage trust in the mechanism and its outcomes through obstructive participation. The multistakeholder mechanism is vulnerable to bad actors because it explicitly places trust in stakeholders and asserts balance among stakeholders.

Suggestions for future work

The Best Practice Forum advanced a number of suggestions for future work. There was strong agreement that additional work was needed to scope out existing mechanisms and examine them in greater depth over time and with wider participation by the global community.

- a. **Identifying methods to educate communities globally about Internet governance** and enable them to make informed decisions about their participation was one recommendation. While recognizing that not all methods worked well globally, participants noted that an easily accessible single resource point for tools and information, which could be adapted to local conditions, would be useful in growing the community.
- b. Participants also suggested that **finding ways to augment and allocate resources to enhance stakeholder participation** was important. Many stakeholder groups are under-represented, especially those from the developing world. Again, participants suggested that a central repository of resources and resource gathering tools would benefit the community more broadly.
- c. While there exist educational and participatory resources to facilitate participation, there are few resources for building trust among stakeholders. **Developing and making available tools for building trust among stakeholders** would be an important contribution to the enhancement of multistakeholder mechanisms.
- d. The bad actor issue was also addressed. Participants recommended **seeking advice on how this threat might be mitigated**. They specifically gave consideration to game-theoretic research, which might shed some light on this potential problem and ways to diminish it.

All participants agreed that while the completed work was strong, a longer time frame and broader participation would have produced more findings.

Report

1. Definition of the issue

These definitions are a result of the discussions held within this Best Practice Forum.

a. Multistakeholderism

Multistakeholderism is the study and practice of forms of participatory democracy that allow for all those who have a stake and who have the inclination to participate on equal footing in the deliberation of issues and the design of policy. While they may assign implementation to a single stakeholder group, implementers are accountable to the decision making stakeholders.

A multistakeholder mechanism in the realm of Internet governance is one where all the relevant stakeholders are engaged in making the decisions that affect them. Key attributes of a multistakeholder mechanism are that it:

- is open and known to the relevant stakeholders;
- is accessible;
- works iteratively;
- achieves rough consensus (as opposed to unanimity);
- balance between all stakeholders. (An 'equal footing' is not enough, if some stakeholders are funded and others are not.)
- transparency among stakeholders.

Crucially, stakeholders must openly share a common understanding of the issues at hand. At its core, this thread seeks ways for stakeholders to have a meaningful impact on the ongoing process of policy development and implementation. Embedded in this quest is a series of specific challenges that arise from a variety of factors including but not exclusive to history, economics and power relationships.

b. Mechanisms

Mechanisms are the practices of interaction within a system or process. Multistakeholder mechanisms sometimes rely upon rough consensus requiring a degree of trust among stakeholders. Multistakeholder mechanisms flow from shared trust among stakeholders and common definitions. If either or both of these factors are weak or absent, a multistakeholder mechanism may be less likely to reach an outcome. Where these factors are present, a multistakeholder mechanism has the potential for reaching substantive agreements among stakeholders.

An important element of the mechanism of multistakeholder participation is the assumption of equality among stakeholders. This does not mean that all members have equal expertise on any particular issue. Rather it means that stakeholders treat each other as peers of equal standing, even if outside the mechanism such standing does not exist.

2. Regional specificities observed

There is significant concern and discussion about the imbalance and legitimacy of participation in global multistakeholder discussions along multiple dimensions including gender, race, ethnicity, socio-economic status, form of government and type of stakeholder. Social, cultural and religious norms complicate this imbalance by weighing in with their own views on the appropriateness and legitimacy of mechanisms. Grouping stakeholders is problematic.¹

Governments are a case in point. Governments are UN recognized, state sovereign entities. UN recognition confers a kind of formal legitimacy. However, in many cases, this is questionable. Governments do not always represent the interests of their citizens and can be non-representative. While some governments may share some common views on some issues, they may be opposed on others. Developing and developed states share different world views. Some states assert a state religion and others do not. In short, states are similar and different like all stakeholders. States stand separate because they have a recognized monopoly on power whether through law or force.

In the case of Internet governance, many developing nations with scarce resources find participating in Internet governance discussions more challenging than developed nations. Moreover, the latter also tend to have better capacity in Internet governance policy making. For some governments, devoting resources to Internet governance is an expensive luxury. Different governments also have a range of views on core issues such as free speech, free association, free access and intellectual property. Their views on these influence their position on Internet governance.

Governments view stakeholding organizations groups and individuals in a variety of ways. Crucial to their view is the nature of their interaction outside of the multistakeholder process where the relative power disparity is displayed. Governments have a range of views on businesses, civil society, academia and the technical community, for instance, colored by their mutual experience outside of the multistakeholder mechanism. Similarly, these individuals and organizations have a view of governments and each other that is similarly shaped by their own experience and relative position. Understanding these interactive mechanisms is crucial to the success of multistakeholder processes.

3. Existing policy measures and private sector initiatives

Communication and strong trust relationships between stakeholders is critical to the effectiveness of multistakeholder mechanisms. Stakeholders engage in a multistakeholder process and participate in its mechanisms already entangled in a wide range of pre-existing relationships with other stakeholders of varying quality and strength. In other cases, stakeholders may have had no previous contact and interaction. The initial starting point for these interactions may be based upon second hand knowledge and information.

¹ For individual stakeholders this is particularly problematic. While many in the multistakeholder community feel that it is advantageous to wear or have worn “multiple hats” for experience, as a practical matter within the multistakeholder mechanism, it may have the effect of confusing voice.

One goal of policy measures and initiatives aimed at enhancing multistakeholder mechanisms is the development of positive relations between stakeholders unfamiliar with one another and improving relations between stakeholders with pre-existing relationships. Improvement may include such things as the development of trust and the identification of common policy goals. A second, but no less important effort is to assist stakeholders to participate in multistakeholder processes by facilitating participation through travel or technical means, offering classes to familiarize new stakeholders, and introducing new stakeholders to the community.

A range of civil society organizations and, to a more limited degree, businesses offer opportunities to encourage and strengthen new stakeholder capacities of the latter type. These opportunities include fellowships to attend meetings, educational materials, workshops and provisioning remote participation hubs. The number of applicants for these opportunities outstrips the available resources. Despite the fact that many organizers strive to support underrepresented stakeholders, such potential stakeholders are only slowly entering into Internet governance discussions and multistakeholder processes.

The task of bringing together existing stakeholders and improving relations between them largely falls upon the shoulders of the stakeholders themselves. The absence of a trusted third party to bring together stakeholders is noticeable. Such interlocutors may arise spontaneously on a particular issue, but this is along the lines of coalition building rather than generally improving relations among stakeholders. Moreover, there is not a strong existing policy or initiative structure to facilitate this.

A major challenge to improving relations is the “bubble effect” of multistakeholder processes. Within the bubble of the process, multistakeholder mechanisms treat everyone equally. While the voice of a stakeholder from the technical community might be weighted more heavily and have greater influence in a discussion on technical issues, stakeholders are equal when arriving at a decision. Outside the bubble of the multistakeholder process, that stakeholder might be an independent software engineer and beholden to other stakeholders in an unequal way. The world is not universally fair and lawful. The choice to be a stakeholder and advocate a position may have costs outside the bubble. The bubble effect affects stakeholders new and existing alike.

4. What worked well, identifying common effective practices

Existing fellowship programmes continue to gain in strength, size and popularity. “Schools of Internet governance” are supported by a wide range of organizations and frequently are organized to prepare students to participate as a stakeholder. Organizations participating in regional and global Internet governance fora sponsor fellows to attend and participate. This sponsorship usually includes workshops to prepare attendees for the event. ICANN also sponsors attendees to its meetings along with educational programmes. These fellows sometimes also participate in IGF meetings as well.

Trust building measures, especially initiatives to enhance transparency and accountability, are popular subjects. Trust in an institution emerges from the articulation and shared understanding of goals, processes to achieve them, and use of those processes repeatedly and over time. Accountability stems from an unequal power relationship and the invocation of that relationship when the subject organization acts contrary to its rules and the community’s shared expectation of

their execution. Taken together, stakeholder trust is comprised of a set of shared expectations and effective recourse when those expectations are violated. Consensus is necessary for shared expectations. Stakeholders have consensus on the illegality of child pornography but not on the illegality of pornography generally. Rough consensus enables stakeholders to adopt policy without achieving total agreement, which is difficult if not impossible to obtain on all issues.

5. Unintended consequences of policy interventions, good and bad

One unintended consequence of the outreach policy is the expansion of the number of stakeholders and the changing balance of stakeholder voices in multistakeholder discussions. Strictly speaking, there is a small, finite number of states. The population of potential non-state stakeholders is much larger and relatively uninvolved as a percentage. While states hold some current structural advantages and privileges, it is not difficult to see that over time the sheer number of other voices will steadily grow. In a multistakeholder environment where all stakeholders are equal, it is foreseeable that states power could wane. Taken together with differences among stakeholders, this is potentially threatening to some stakeholders.

Another dynamic of expanding the number of stakeholders is their growth in the developed world. While the developing world holds the potential for the greatest number of individual stakeholders, organizational stakeholders are more common in the developed world.² In the short term of a rough consensus environment, this augments the liberal, democratic, capitalist rhetoric in multistakeholder discussions. This consequence may threaten stakeholders opposed to these points of view.

At the same time, these efforts to expand the number of stakeholders have led to a rise in interest in Internet governance. Growing numbers of stakeholders are participating in Internet governance related activities globally, even outside the scope of the existing outreach programs. It is also the subject of significant academic research.

With the expansion of the number of stakeholders come questions about the stakeholders themselves. Stakeholders that claim to speak on behalf of or in the interest of its constituents raise a legitimate legitimacy question. States, businesses and individuals assert their legitimacy intrinsically. Other organizations make legitimacy claims and advocate positions representing points of view based upon a variety of instruments such as charters. Multistakeholder mechanisms confer legitimacy upon all stakeholders. Legitimacy is defined as being interested and participating.

Finally, with the growth in the number of stakeholders and the growing importance of multistakeholder mechanisms, it is possible to conceive of bad stakeholders in a multistakeholder ecosystem. In the worst case, one or more such stakeholders would act to inhibit all rough consensus while not admitting their own role in doing so and effectively sabotaging the multistakeholder mechanism. The multistakeholder mechanism does not currently have a way of identifying or dealing with bad actors.

² The developed world's generally liberal democratic governments tend to have stronger rule of law and rights making them friendlier to business and non-governmental organizations than in the developing world.

6. Unresolved issues where further multistakeholder cooperation is needed

The term “stakeholder” must be understood to be much more broadly inclusive. Being a stakeholder is simply being an interested party. At the same time, many potential stakeholders are unaware that they might be interested and active stakeholders if they knew about Internet governance. For some, this is a language barrier and not just in terms of translation. The jargon of Internet governance is a significant barrier to native English speakers. Understanding is crucial on multiple levels.

The continued expansion of opportunities to learn and participate in multistakeholder processes or new stakeholders, especially those coming from the developing world should be addressed. Current programmes have more applicants than they can handle and expanded opportunities would benefit wider participation.

The multistakeholder mechanism has no means of dealing with bad actors. Developing means of identifying and dealing with bad actors in an environment where rough consensus is a key mechanism should be a priority.

Presently, the multistakeholder mechanism does not have formal ways of building trust among actors. As trust is such an important component in building consensus, new mechanisms for building trust among stakeholders should be developed and deployed.

7. Insights gained as a result of the experience

Since WSIS, all stakeholders have practiced working together and developed mechanisms to form a multistakeholder process. Stakeholders have self-identified and stood forth to participate in global meetings to shape Internet governance discussions. Stakeholders have successfully applied to and been selected for the IGF Multistakeholder Advisory Group (MAG), the UN CSTD Working Groups on Internet governance, and the organizing committee for NETmundial in April 2014. Stakeholders have enhanced openness and transparency and strengthened meaningful multistakeholder mechanisms.

As a stakeholder group, the technical community has identified a number of mechanisms that have been important and effective for them. It is important to note that all stakeholder groups are drawn together by common traits; in the case of the technical community it is a common scientific and engineering ethos. This connection may make them unrepresentative because their individual members already have consensus on a wide range of issues unlike the group of Internet governance stakeholders. Questions are added next to each point below to illustrate useful jumping off points for considering Internet governance stakeholders:

- a. Open and inclusive participation: Are stakeholders interested and informed?
- b. Consensus-based: Is consensus possible on policy issues?
- c. Permission-less innovation: Do central authorities already exist?
- d. Collective stewardship and involvement: Is there mutual respect among stakeholders?
- e. Transparency: To what degree is there transparency in policy?

- f. Pragmatic and evidence-based approach: To what extent does objective empirical work exist to inform policy?
- g. Voluntary adoption: Do users and the global public assert the success of internet governance?

The suggestions of a stakeholder group strongly bound together by common practices may help to illustrate useful areas of exploration for the broader stakeholder community.

8. Proposed steps for further multistakeholder dialogue

Multistakeholder processes and mechanisms in which all stakeholders are treated equally is a new decision making process. In a traditional multilateral context, such global decisions are the preserve of sovereign states. Exploring what multistakeholders processes and mechanisms mean in the context of Internet governance and how to nurture it is an important topic of for further multistakeholder discussions.

Another fruitful area of discussion would be to identify ways for existing stakeholders to build trust among themselves. This seemingly obvious and missing element from the mechanism deserves further investigation.

Finally, the bad actor problem in a rough consensus decision making system requires swift attention. Over time, it threatens to undercut multistakeholder processes and delegitimize them.

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