

**Exploring Multistakeholder Internet Governance:**

# **Towards the Identification of a Model Advisory Body on Internet Policy**

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## **Introduction**

Over the past thirty years, the Internet has penetrated all aspects of our lives and, as connected individuals, we are now reliant on connectivity for an increasing number of aspects of our daily routine. The preservation of Internet's essential features, such as openness, interoperability, security and accessibility is greatly strengthened by the cooperation of the various players or "stakeholders" that have a concrete impact on the Internet functioning and regulation. The possibility for such stakeholders to dialogue and, ideally, cooperate in the context of national, regional and global governance processes is therefore instrumental in order to nurture policy-making processes with heterogeneous inputs highlighting the different facets - i.e. the technical, juridical, cultural, social and economic aspects - of any given policy issue at stake.<sup>2</sup>

In this perspective, opening policy-development processes to stakeholders' inputs may be particularly beneficial to enhance the quality of policies pertaining to complex and multidisciplinary issues, thus identifying the various facets of a common problem and the different interests at stake, while diversifying the range of potential solutions available. (Belli 2015)

Multistakeholder processes primarily focus on the participation of multiple stakeholders associated to predefined categories, assuming that the participation of such stakeholder groups to a given process may not only provide inputs from different standpoints but also guarantee the representation of heterogeneous interests. Such an assumption may be overconfident and, indeed, it seems important to adopt a critical approach towards multistakeholderism in order to distinguish those processes that are truly open to the participation of heterogeneous stakeholders with diversified interests from those who congregate different stakeholders with similar or even overlapping interests. Some of the shortcomings identified have pointed to the underrepresentation of diversity in multistakeholder debates, unbalanced incorporation of stakeholder's interests, for instance privileging influential or wealthy actors, such as national governments and dominant private companies. (Belli 2015; Bollow & Hill 2014 and 2015; Malcolm 2015b) Hence, multistakeholder processes should be fashioned to avoid undue influence by any single stakeholder (group), while fostering transparency, pluralism and implementing adequate checks and balances.

This paper will focus on a selection of multistakeholder processes, which have been chosen for their diverse origin and composition, scrutinising how such processes manage to integrate the inputs and views of stakeholders as well as how such views may be utilised for the elaboration of concrete outcomes. Multistakeholder processes are based on the assumption that policy elaboration and deliberation benefit from stakeholder inputs and expertise that should be heard and, ultimately, integrated through participation. To the extent that all stakeholders benefit from the best-quality outcome, it is possible to envisage developing consensual win-win policy solutions. However, it must be recognised that this may not be the case if the interest of stakeholders diverge significantly

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<sup>1</sup> Information about the authors is at the end of this document.

<sup>2</sup> See *e.g.* De Nardis & Raymond (2013); Almeida Getschko & Afonso (2015); Belli (2015) and (2016) Maciel. Zingales & Fink (2015); Malcolm (2015a).

and, notably, when the interest of specific stakeholder is to sabotage a given process in order to avoid a non-favourable outcome.

How, and to what extent, to rely on multistakeholder mechanisms has been at the core of Internet governance discussions for the past 20 years. Since the World Summit on Information Society (WSIS), the need for “unremitting multistakeholder efforts”<sup>3</sup> has been increasingly debated and the merits of multistakeholder governance processes have been promoted and officially endorsed by several intergovernmental organisations, such as the Council of Europe (2005 & 2011), the Organisation for Economic Cooperation and Development (2008 & 2011) and the International Telecommunication Union (2010 & 2014). Moreover, since its inception, the United Nations Internet Governance Forum (IGF) – one of the core outcomes of the WSIS process – has been promoting the benefits of a multistakeholder approach based on an inclusive and participatory Internet governance. In this sense, multistakeholder participation has been increasingly portrayed as an essential procedural element, permeating the entire spectrum of Internet governance processes.

However, together with the increasing institutional support for multistakeholderism, it is possible to note the growing consciousness that there is no such thing as “the” multistakeholder model but rather a variety of processes featuring different procedures, purposes and institutional configurations, giving rise to diverse structures for the participation of stakeholders into policy-shaping and policy-development efforts.<sup>4</sup>

Multistakeholderism has also become an overused word in Internet governance discourse, encompassing any vaguely participatory process aimed at debating, elaborating or implementing digital policies. The purpose of this paper is therefore to understand how multistakeholder processes concretely unfold, in order to identify good practices to be compiled into a proposal for a Model Advisory Body on Internet Policy whose openness, inclusivity and diversity of inputs would allow the elaboration of high quality policy proposals. In order to do so, this paper will briefly analyse a selection of examples of multistakeholder bodies and processes taking place at the national level (Section I) as well as the main international process aimed at promoting multistakeholder Internet-policy debate and suggestions *i.e.* the IGF. (Section II)

The authors of this paper identified good practices during a workshop dedicated to “How can Openness and Collaboration Enhance Internet Policy-Making?” held at the 3rd International Conference on Internet Science (INSCI 2016). The elements forming the good practices emerged during the elaboration of the first draft of this paper and are highlighted along the different case studies examined in section I and II. These elements have been utilised to distil some basic procedural and substantial recommendations for the development of Advisory Bodies on Internet Policy. The recommendations, included in the conclusions, have greatly benefitted from the comments received on the first draft of this paper, presented at aforementioned INSCI workshop.

## **I. National Multistakeholder Processes**

In this section, we will explore a selection of national multistakeholder processes aimed at promoting the development of policy suggestions and Internet-related advisory documents. Particularly, we will focus on three countries having permanent multistakeholder bodies fully dedicated to the discussion of internet policy and provision of advice, *i.e.* Brazil, France and the UK as well as on the Italian effort to create a temporary multistakeholder commission for the elaboration of a “Declaration of Internet Rights.”

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<sup>3</sup> See Tunis Agenda, para 83; ITU 2014.

<sup>4</sup> See e.g. Souter 2009; De Nardis & Raymond 2013; Gasser, Budish & West 2015; Almeida, Getschko & Afonso 2015; Belli 2015; Hoffman 2016.

### a. **The Brazilian Internet Steering Committee (CGI.br)**

Brazil's Internet Steering Committee, also referred to as *Comitê Gestor da Internet no Brasil* (or simply CGI.br), is not only the first example in history of a multistakeholder body dedicated to Internet governance issues at the national level but is also considered as one of the most successful examples of such bodies. This prestige is not accidental but rather the result of an ongoing long-term process of organisation (Glaser & Canabarro, 2015).

CGI.br was first created by Interministerial Ordinance 147 of 31 May 1995<sup>5</sup>, aiming at facilitating the coordination and integration of Internet services and related initiatives in the country, thus consolidating the common interests of the Ministry of Communications and the Ministry of Science and Technology. In this sense, the Committee was conceived to serve as a commission capable of monitoring the development of Internet services, recommending strategies for network implementation, coordinating IP attribution for Internet Service Providers and “.br” domain names registration in the country, proposing operational and technical standards for Internet services in Brazil. The Ordinance also established that the Committee's Board was to be formed by nine members appointed by the Ministry of Science and Technology together with the Ministry of Communications for a two-year mandate. The federal government appointed all representatives included in this initial configuration.

Such system was redefined in 2003 by former president Luiz Inácio Lula da Silva, as a response to proposals from the academic community and civil society organizations emphasising the need for pluralist participation. The Presidential Decree 4829/2003<sup>6</sup> specified the governance model to be adopted by CGI.br. The new configuration underlined not only the increased complexity of Internet policy making, whose multifaceted nature required a wider spectrum of expertise to be properly analysed, but marked also the recognition of the existence of a variety of opinions and interests and the value of including and coordinating a wider range of governmental and non-governmental actors. Such evolution was exemplified by the inclusion of the representatives of several new public administrations as well as of non-governmental stakeholders, chosen by their own interest groups instead of being appointed by the government. As such, the composition of the CGI.br was expanded to 21 members, including:

- eight representatives from the Federal Government
- one representative appointed by the National Council of State-level Secretaries of Science, Technology
- four representatives from the corporate sector
- four representatives from non-profit and non-commercial entities
- three representatives from the scientific and technological community
- one renowned Internet expert chosen by consensus

This configuration, which is adopted to date by CGI.br, foresees that non-governmental stakeholders are elected for three-year terms by the entities that compose their respective communities. The election process is grounded on openness and transparency and is facilitated by CGI.br itself, with the aim of selecting eleven effective members of the CGI.br board, as well as eleven deputies, for a three-year-long term.

The board-member election process takes place through the formation of an electoral college composed of all entities that apply for participation by a predefined deadline in order to subsequently select their representatives. Entities from each constituency forming the business sector can only vote for candidates from the respective category. However, due to the specificity of

<sup>5</sup> See <https://www.cgi.br/portarias/numero/147>

<sup>6</sup> See presidential decree 4829/2003: <https://www.cgi.br/pagina/decretos/108>

the private sector, and particularly the possibility that different categories of business entities have opposed interests, different voting tracks have been established, based on the business categories, to allow an equitable representation of the various business interests. Such a categorisation of sectors is only present in the business stakeholder group. The scientific and technological constituency is composed of academic and scientific entities, while the non-commercial sector constituency is composed of individual non-governmental organisations, which are not academic institutions.

The aforementioned stakeholder categorisation is particularly helpful to make sure that a wide spectrum of interests is concretely represented. Although, the CGI.br Board election-model may not be perfect, it certainly contributes to the democratisation – i.e. the identification of the national Internet demos – of the advisory body. This should be considered as a good practice to be reproduced, as far as possible, by other similar bodies.

Once stakeholder representatives are elected, an interministerial ordinance adopted by the Executive Office of the Presidency and the Ministry of Science, Technology, Innovations and Communications formally appoints them, together with the renowned Internet expert<sup>7</sup> and the governmental representatives. All members of the Committee work on a voluntary basis.

The board of CGI.br meets once a month to consider both national and international Internet governance issues. The full agenda and the meeting minutes are published on the CGI.br website, together with the resolutions occasionally adopted by the board. For tackling specific issues, members of the board can work through working groups that prepare drafts to be considered by the full composition of the board, when appropriate. Furthermore, the work of the Committee is currently supported by four multistakeholder advisory chambers that produce background information in the fields of Rights and Security on the Internet; Innovation and Technical Capacity; Content and Cultural Goods; Universalisation and Digital Inclusion. These chambers have been created as a means for increasing diversity in participation in the activities of CGI.br. Through the chambers, both governmental and non-governmental stakeholders not formally represented in the Committee can provide recommendations and guidance to the discussions taking place within the Committee.

The mission of CGI.br has also been refined and expanded over the course of its existence<sup>8</sup>, including the promotion of multistakeholder public debates and consultations, the development of education and capacity-building initiatives, infrastructure and technical projects as well as the elaboration of technical guidelines, informational material and indicators. Conspicuously, current CGI.br responsibilities encompass<sup>9</sup>:

- proposing policies and procedures regarding the regulation of Internet activities;
- recommending Internet-related standards for technical and operational procedures at the national level;
- establishing strategic directives related to the use and development of the Internet in Brazil;
- promoting studies and technical standards for network and service security in the country;
- coordinating the allocation of Internet addresses (IPs) and registration in the “.br” domain;
- collecting, organizing and disseminating information on Internet services, including indicators and statistics.

Lastly, it is important to note that the operation of CGI.br and the activities it develops are funded by the Brazilian Network Information Center (NIC.br), which is a private, non-profit organization. Since 2005, NIC.br has concentrated the technical tasks that were once conducted separately in

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<sup>7</sup> Interestingly, the same renowned Internet expert has been successively reappointed since 2003.

<sup>8</sup> See Timeline “15 anos CGP” <http://www.cgi.br/noticia/comite-gestor-da-internet-no-brasil-completa-15-anos/>

<sup>9</sup> See CGI Resolution CGI.br/RES/2009/003/P. <http://www.cgi.br/resolucoes/documento/2009/003>

order to facilitate and coordinate the well-functioning of the Internet in Brazil. NIC.br is also the recipient of the fees derived from the registration of any domain name under the “.br” country code Top Level Domain (ccTLD) as well as from distribution of IP address blocks.<sup>10</sup> Financial autonomy is key for the success of any organisation and as, the CGI.br and NIC.br example demonstrates, it is possible to guarantee the financial sustainability of an Internet advisory board by dedicating a fraction of the revenues deriving from the national ccTLD registration. This is clearly a good practice, which is relatively easily implementable and should be followed by other similar initiatives.

## **b. The French National Digital Council (CNNum)**

The French National Digital Council, also referred to as *Conseil national du numérique* (CNNum) was established in 2011 by a Presidential Decree<sup>11</sup> to serve as an advisory body with regard to the development of the digital economy. On 13 December 2012, the Presidential Decree n° 1400 redefined and expanded its remit<sup>12</sup>. CNNum is now an independent advisory commission aimed at issuing opinions and recommendations on any questions relating to the impact of digital technologies on economy and society. The Council can either be consulted by the Government on new legislation and regulations or issuing opinions on its own initiative.

The 2012 decree also aimed at increasing transparency regarding the CNNum functioning and a greater representativeness in its internal composition, given the expansion of its competences. Hence, CNNum’s initial eighteen-member composition shifted to thirty members, including a requirement of 50/50 gender balance. This latter requirement is not specified by any other national initiative but should be considered as a good practice and reproduced by other multistakeholder bodies. The Board members and its President are appointed by presidential decree for a period of three years, which may be renewed. They are chosen based on their expertise and familiarity with the dynamics of the digital ecosystem. Although no specific categories of stakeholders are formally established, the CNNum customary includes members from academia, civil society and private sector.<sup>13</sup>

The 2012-1400 decree also created an extended configuration for the elaboration of the Council’s work programme, including two Senators, two Members of the National Assembly and five representatives of local administrations. These latter members are appointed by a Decision of the Minister in charge of the Digital Economy. CNNum membership is an *intuitu personae* function exercised on a voluntary basis. Board members cannot be represented by other individuals, are required to prevent any suspicion of personal interest, and disclose direct or indirect interests or ownership in any entity acting within the digital economy<sup>14</sup>. Differently from CGI.br, the attributions of CNNum do not include the administration of the national ccTLD and its funding is not connected to the revenues generated by the “.fr” extension. The Ministry of Economy provides the financial resources necessary to cover the CNNum budget and the Secretariat-General’s permanent team remunerations.

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<sup>10</sup> NIC.br operates as a National Internet Registry (NIR), centralising the distribution of IP addresses in the country. Currently, only nine countries centralise the distribution of IP addresses at the NIR level: Indonesia, China, Japan, South Korea, Taiwan, Vietnam, India, Mexico, and Brazil.

<sup>11</sup> See decree n°2011-476 <https://www.legifrance.gouv.fr/eli/decret/2011/4/29/INDX1111287D/jo>

<sup>12</sup> See decree n°2012-1400 <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026767396&dateTexte=&categorieLien=id>

<sup>13</sup> See the list of the members from sessions 2011-2012, 2013-2015 and 2016-2018. <http://cnumerique.fr/membres/>

<sup>14</sup> See the Council’s internal rules. <http://cnumerique.fr/wp-content/uploads/2012/02/130204-RI-et-CE-CNN.pdf>

To properly advise the French Government and participate in public debates, CNNum is required to organise public consultations on a regular basis at both local and national level and can conduct hearings of experts. A Bureau composed of four Vice-presidents and the President designates members of internal working groups, whose draft opinions are discussed in plenary sessions and adopted by a majority of members. To date, the Council has issued various opinions analysing the evolutions of a variety of Internet governance issues and Internet-related topics, such as digital inclusion, net neutrality, platforms regulation, human rights and fundamental freedoms, healthcare system, education, work and employment, public administration, trade agreements, taxation, etc. CNNum positions have scrutinised issues of immediate concerns but have also developed forward-looking recommendations.

Since 2012, CNNum has strengthened its position as both a multistakeholder body and a facilitator for multistakeholder processes in digital policy elaboration, acting as both an interlocutor and an organiser of regular meetings involving civil society, government and private sector. In this regard, CNNum can organise consultations involving digital players as well as between entities acting “within” the digital economy and entities being impacted by the digital evolution.<sup>15</sup> Through the implementation of this attribution, the Council has developed the practice of including a map of identified controversies, when publishing its recommendations.

Lastly, in 2014 the French Prime Minister tasked the Council with the organisation of a national consultation, aimed at testing the possibility to elaborate the French Digital Strategy in a participatory fashion, and subsequently provide recommendations in this regard. To this end, CNNum launched an online platform,<sup>16</sup> which was open to contributions from October 2014 to February 2015, and held several public meetings in different French cities over the same period, thus prompting debate on the proposals discussed online. In order to bolster the debate, the Council provided a free-access resource kit allowing autonomous organisers to hold relay events<sup>17</sup>. The platform received contributions from citizens, business entities, and non-profit entities but also several municipalities, administrations and independent regulatory authorities<sup>18</sup>. On this basis, the Council published commentable summaries of positions and proposals originating from the platform,<sup>19</sup> and issued recommendations based on the consultation’s outcomes.<sup>20</sup>

The consultation nurtured the Government’s National and European Digital Strategy<sup>21</sup> and various provisions of the “Bill for a Digital Republic” were included in a further consultation that the government chose to launch, using the same online tool,<sup>22</sup> allowing Internet users to comment and modify the draft bill itself on an article-by-article basis. Over this second consultation, information was provided to outline the provisions originating from the participants’ inputs and the Government engaged in this participatory effort, directly replying to the most commented suggestions.<sup>23</sup> As a result, ninety amendments and five new articles were included to the draft bill, before it was

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<sup>15</sup> For example, in 2013, the Ministry of Economy asked the CNNum to create a dialogue between Google representatives and French players that were plaintiffs in an antitrust case opened by the European Commission. See <http://cnnumerique.fr/neutralite-des-plateformes-consulter-la-restitution-de-la-concertation/>

<sup>16</sup> See <https://contribuez.cnnumerique.fr/>

<sup>17</sup> See <https://contribuez.cnnumerique.fr/actualite/do-it-yourself-proposez-des-ateliers-relais-pour-la-concertation>

<sup>18</sup> This first consultation received contributions from 2300 participants. See <https://contribuez.cnnumerique.fr/participants>

<sup>19</sup> <https://contribuez.cnnumerique.fr/actualite/les-6-mois-de-la-concertation-nationale-%E2%80%99Ambition-num%C3%A9rique%E2%80%9D-en-data>

<sup>20</sup> See <https://contribuez.cnnumerique.fr/sites/default/files/media/CNNum--rapport-ambition-numerique.pdf>

<sup>21</sup> See <http://www.gouvernement.fr/partage/4492-strategie-numerique-du-gouvernement>

<sup>22</sup> See <https://www.republique-numerique.fr/> This second consultation received contributions from 21 000 participants.

<sup>23</sup> See <http://www.republique-numerique.fr/project/projet-de-loi-numerique/step/reponses>

submitted to the Parliament. As elected representatives exercising their legislative power, members of Parliament had no obligation to follow the proposals. However, the consultation had an impact during parliamentary debates, being regularly mentioned to support positions in favour or against specific proposals based on support or opposition manifested by online contributors.

On 7 October 2016, the French Parliament adopted<sup>24</sup> the Bill for a Digital Republic that formally became the Law for a Digital Republic,<sup>25</sup> thus proving that open multistakeholder consultations may have a positive impact on national policymaking. Besides proving that national multistakeholder Internet advisory bodies may have a concrete role in nurturing and steering policymaking, the consultation process has been a particularly interesting experiment of participatory democracy. In this regard, it is important to note that several *ex-post* evaluations have been organised by both the government and civil society groups, to take stock of this experience and elaborate recommendations for future ones. The suggestions expressed during such stocktaking exercise are particularly interesting and can be applied to similar initiatives to be organised at the French level or in the context of other Internet governance processes. Notably, the recommendations suggested the need to improve:

- the representativeness of the French population;<sup>26</sup>
- the system assessing the evaluation of the proposals by participants, in order to avoid any potential bias;<sup>27</sup>
- the traceability requirements (also referred as “legislative footprint”) aimed at ensuring a comprehensive public record of interest groups’ influence on the legislative process.<sup>28</sup>

### **c. The British Multi-stakeholder Advisory Group on Internet Governance**

The British Multi-stakeholder Advisory Group on Internet Governance (MAGIG) was established at the beginning of 2013 as a temporary initiative to support policy-making in the UK with regard to Internet governance issues. In an effort to open up its policy making process to different stakeholders, the UK government set up the MAGIG, fostering the development of multistakeholder inputs to be utilised in the context of Internet governance meetings and conferences at the international level. Notably, the original purpose of MAGIG was the development of input documents to be utilised for the World Conference on International Telecommunications (WCIT-12),<sup>29</sup> in 2014, and the WSIS+10 review process,<sup>30</sup> in 2015. According to its Terms of Reference,<sup>31</sup> the MAGIG purpose is:

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<sup>24</sup> The legislative process can be followed here <http://www.senat.fr/dossier-legislatif/pjl15-325.html> or at [https://www.lafabriquedelaloi.fr/articles.html?loi=pjl15-republique\\_numerique](https://www.lafabriquedelaloi.fr/articles.html?loi=pjl15-republique_numerique)

<sup>25</sup> See *Loi n° 2016-1321 du 7 octobre 2016 pour une République numérique* <https://bit.ly/2p9KyUk>

<sup>26</sup> The government provided figures from its satisfaction survey showing that 70% of the respondents declared that they voted to all elections and that 62% held a degree in higher education.

<sup>27</sup> As an instance, the most voted proposal which obtained 5 000 votes in 48 hours, following a call for mobilization on a famous forum attended by the gamer community.

<sup>28</sup> Private actors reluctant to state openly their position on the online platform were told that their contributions would only be taken into account if deposited on the platform. However, such clarification did not impede lobbying strategies aimed at blocking adverse proposals from within the legislative bodies.

<sup>29</sup> <https://www.itu.int/md/S14-RCLINTPOL4-C-0002/en>

<sup>30</sup> [http://www.itu.int/net/wsis/review/inc/docs/submissions/Form1\\_WSIS10-HLE-OC\\_OfficialSubmissions-UK\\_web.pdf](http://www.itu.int/net/wsis/review/inc/docs/submissions/Form1_WSIS10-HLE-OC_OfficialSubmissions-UK_web.pdf)

<sup>31</sup> A full description is given in a submission to ITU’s Council Working Group on Internet-related Public Policy Issues, document WG-Internet 4/2. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330737/Opening\\_up\\_the\\_policy\\_making\\_process\\_the\\_UK\\_Multi-stakeholder\\_Advisory\\_Group\\_on\\_Internet\\_Governance.docx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330737/Opening_up_the_policy_making_process_the_UK_Multi-stakeholder_Advisory_Group_on_Internet_Governance.docx)

- To work in a collaborative spirit to contribute to UK inputs into major conferences and meetings relating to international internet governance and telecommunication issues on a Chatham House basis.
- To comment on UK government policy goals and strategy with regard to international internet governance and telecommunication issues.
- To work collaboratively in influencing industry, civil society and state organisations positions on issues of international internet governance and telecommunication policy issues.
- To help build a working relationship and trust with representatives of other states and organisations that may not have the same views as the UK on issues surrounding international internet governance and telecommunication policy issues.

The establishment of the MAGIG signifies the UK government interest and support for multistakeholder Internet governance, where business and non-governmental actors are able to contribute to policy development.<sup>32</sup> Although the UK Government remains ultimately responsible for the decision-making, MAGIG allows a wide range of stakeholders to contribute to and challenge policy proposals, as an integral part of the policymaking process, aiming at achieving better outcomes and better policy implementation.

Besides the Department for Culture, Media and Sport (DCMS), which chairs the MAGIG and leads Internet and telecoms issues in UK, also other government departments participated to the Group's work, reflecting the impact of Internet governance issues on the agendas of the entire UK government as well as the perspective that the various British administrations may have on any given topic. As such, since its inception the MAGIG has ensured the participation of those components of the UK government, which have a direct interest in Internet governance, such as the Department for Business, Innovation and Skills, the Foreign and Commonwealth Office, the Home Office, the Department for International Development and Ofcom, the national telecoms regulator.

As in the Brazilian example, the diversification of governmental representatives play a pivotal role in fostering a coordinated approach with regard to both input elaboration and output implementation. Such diversified governmental make-up in Internet advisory bodies should be considered as a good practice to be replicated, fostering then widest possible inclusion and coordination. In addition to governmental representatives, the approximately thirty members of the MAGIG include key business<sup>33</sup> and non-governmental players<sup>34</sup> as well as academic institutions.<sup>35</sup> However, it is important to stress that the MAGIG is not an open body, for the government selects and invites participants. Furthermore, MAGIG is an informal body and there is no expectation that consensus needs to be reached, while discussions are conducted under the "Chatham House rules."

Importantly, the MAGIG has not been conceived to take decisions but rather to nurture governmental decision-making with multistakeholder inputs, fostering discussions whose outputs will help the government to understand the issues at stake and to make appropriate decisions. In the sense, MAGIG enhances the diversity and quality of the information based upon which UK policy is developed, thus directly benefiting the public policies that are elaborated through traditional government processes. At the simplest level, the MAGIG allows stakeholders to share information

<sup>32</sup> In the same spirit, the UK is also committed to the Open Government Partnership, an international platform of 70 countries where governments and civil society work together to develop and implement ideas to make government more open, accountable and responsive to citizens. <http://www.opengovpartnership.org/>

<sup>33</sup> Notably, the UK technology trade association, TechUK, and key business players, such as BT, Nominet, the London Internet Exchange, Vodafone, Cable & Wireless, Yahoo-UK, Microsoft/Skype, ARM Holdings, Virgin Media, Google UK, Facebook, Access Partnerships, the GSMA and Intel UK.

<sup>34</sup> Notably, the Taxpayers Alliance, Index on Censorship, the Trades Union Congress, Childnet and Global Partners Digital. The UK Chapter of the Internet Society and a representative from ICANN are also members.

<sup>35</sup> Universities of Cambridge, London School of Economics and the Oxford Internet Institute.

on a variety of issues spanning from the latest developments of international meetings, new approaches or best practices being developed in other countries or the impact that specific policies might deploy. This helps ensure that MAGIG stakeholders, particularly the governmental ones, are constantly up-to-date and informational asymmetries are mitigated. Furthermore, discussion at MAGIG helps the Government understanding the differences of views that may exist amongst stakeholders as well as why such differences exist. That deeper awareness of can help to overcome potential misunderstandings while providing a clearer picture of the competing interests involved. In mid-2015, it was decided to establish a sub-group of the MAGIG of interested parties to focus on the ICANN and IANA Stewardship transition process,<sup>36</sup> in order to appraise the transition progress, the main difficulties and the political context. This experience was considered sufficiently successful and the UK government is evaluating the establishment of a MAGIG 2.0 that may include the organisation of issue-specific working groups.<sup>37</sup> Following the WSIS+10 process, the DCMS undertook an internal review<sup>38</sup> of the MAGIG highlighting the interest of the issue-oriented analysis of the MAGIG, while stressing its beneficial impact in tracking and making sense of the complex calendar of international meetings and assessing how these key meetings intersect. This latter function is particularly helpful in order to map the various meeting where are discussed major policy issues such as cybersecurity, human rights, Internet access, child protection, Internet of Things and sustainable development. The review also concluded that the MAGIG needs to develop long-term vision, considering how to institute innovative ways of raising awareness, stimulating interaction and reflection regarding emerging issues. This latter strategic-planning function is also an element that should be considered as particularly relevant and, ideally, integrated by other Internet advisory bodies.

#### **d. An Early Approach to Multistakeholder Internet Governance in Italy**

In July 2014, Former President of the Italian Chamber of Deputies, Laura Boldrini, constituted a multistakeholder working group aimed at drafting a Declaration of Internet Rights. This working group was the first example of a multistakeholder effort dedicated to Internet policy making at the Italian level and its creation was largely motivated by the remarkable press coverage received by the approval of the Brazilian Civil Rights Framework for the Internet, better known as *Marco Civil da Internet* (MCI). Indeed, it is important to notice not only that the MCI's elaboration was characterised by a series of multistakeholder consultations<sup>39</sup> but also that MCI represented the achievement – by the Brazilians – of the 2007 Joint Declaration on Internet Rights by the Minister of Culture of Brazil and the Undersecretary for Communications of Italy.<sup>40</sup>

The Italian multistakeholder group for the Declaration of Internet Rights took the form of a Chamber of Deputies commission, with a multistakeholder makeup composed by an equal number of deputies and of external experts. The commission was an *ad hoc* initiative and worked over a period of one year, organising multistakeholder consultations as well as online consultations.

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<sup>36</sup> <https://www.icann.org/stewardship>

<sup>37</sup> Although the UK government has not yet released official documents defining the details the MAGIG 2.0, the authors had the possibility to discuss MAGIG 2.0 with one of the initiative's promoter.

<sup>38</sup> The results of this internal review have not been published yet but have been discussed with the authors.

<sup>39</sup> The MCI, officially Law No 12.965/2014, is the result of a participatory process launched by the Brazilian Ministry of Justice in partnership with the Center for Technology and Society at Fundação Getúlio Vargas, on October 2009. Based on the results of this first collaborative phase, a preliminary draft was formulated, which was debated, over a second phase of a consultation process that involved broad participation of society. The MCI was then debated by the Brazilian Congress and, eventually, approved by the Federal Senate on April 23, 2014.

<sup>40</sup> The elaboration of the Joint Declaration was facilitated by the IGF Dynamic Coalition for the Internet Bill of Rights and was signed in the context of the United Nations Internet Governance Forum 2007, held in Rio de Janeiro. <http://dicorinto.it/files/2007/11/joint-declaration-brazil-italy.pdf>

Importantly, Brazilian experts participated to one of the consultations, in order to share good practices, while trying to revive a binational synergy dating back to the signature of the Joint Declaration on Internet Rights.

At the end of July 2015, the commission published a final version of the Declaration of Internet Rights, composed of 14 articles,<sup>41</sup> and on 3<sup>rd</sup> November 2015, the Chamber of Deputies voted unanimously the motion recommending the Declaration. Through this motion, the Chamber requested the adoption of a proactive role by the Italian government, as regards Internet-governance-related issues, specifying that the Italian government should:

- “activate any useful initiative to promote and adopt not only in Italy but also in Europe and in global environment the principles defined in the Declaration.
- promote the constitution of an entity for the Internet Governance in Italy, following the multi-stakeholder model, by involving the interested parties.”

The motion referred specifically to the implementation of article 14 of the Declaration, which is considered as critical for future evolutions of Internet Governance in Italy, according to which *“Internet rules shall take into account the various territorial levels (supranational, national, regional), the opportunities created by a variety of forms of self - regulation consistent with the above principles, the need to preserve the capacity for innovation, including through competition, as well as the manifold actors operating on the Internet, and shall encourage involvement in ways that ensure the widespread participation of all concerned. Public institutions shall adopt the appropriate instruments to ensure such participation.”*

In accordance with the Declaration’s international aim, the multistakeholder Commission of the Chamber of Deputies promoted the establishment of cooperative efforts together with international partners. In this regard, the Commission issued a Joint Statement<sup>42</sup> together with the French National Assembly *Commission de réflexion sur le droit et les libertés à l’âge du numérique* and organised a joint event together with Brazilian counterparts, at the occasion of the United Nations Internet Governance Forum 2015, held in João Pessoa, Brazil.

Although the Italian Commission attempted to have national and international repercussions, it is important to stress that this experience demonstrates that the lack of a stable organization and a long-term perspective makes it impossible to have a concrete and lasting impact. Indeed, since the adoption of the Declaration and the Joint Statement – which are both merely declaratory and non-binding documents – there has been no formal evolution regarding the establishment of an Italian multistakeholder Internet governance committee and the Commission that elaborated the Declaration of Internet Rights remained an initiative with ambitious intentions but with very limited influence. Differently from Italy, the counterpart of this second joint statement organised an articulated process of national consultations culminating in the adoption of the – binding – Law for a Digital Republic, as highlighted previously in this section. The remarkable French achievement was mainly due to the existence of a reasonably well resourced and surely well organised French Digital Council. On the other hand, the lack of an entity able to organise an enduring and long-term multistakeholder Internet governance processes in Italy has shown its limits in the mere adoption of a Declaration that, despite its commendable content, rests unutilised by the Italian institutions.

In the meantime, the only example of multistakeholder Internet governance at the Italian level is the Italian Internet Governance Forum, promoted by the Italian Chapter of the Internet Society and organised, since 2017, by the Agency for Digital Italian, also referred to as *Agenzia per l’Italia Digitale* (AgID), an administrative agency supporting the Italian Presidency of the Council of Ministers.

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<sup>41</sup> The English version of the Declaration is here:

[http://www.camera.it/application/xmanager/projects/leg17/commissione\\_internet/testo\\_definitivo\\_inglese.pdf](http://www.camera.it/application/xmanager/projects/leg17/commissione_internet/testo_definitivo_inglese.pdf)

<sup>42</sup> <http://www2.assemblee-nationale.fr/static/14/numerique/Declaration-franco-italienne.pdf>

## II. International Multistakeholderism in Action: the IGF

The IGF is the main multistakeholder Internet governance body operating at the international level. Since its inception, it has kept on stimulating stakeholder participation, opening its process to all the individuals having the (time, knowledge and financial) resources necessary to participate, while promoting efforts aimed at lowering participation barriers.<sup>43</sup>

The IGF was formally established by the United Nations Secretary-General in 2006 with the aim of facilitating inclusive, multistakeholder discussions on Internet-related public policy issues. Indeed, prior to the IGF establishment, the Working Group on Internet Governance – which was created in the context of the WSIS process – urged the creation of an Internet governance forum, as an outcome of WSIS. The goal of the new forum was to fill the “vacuum within the context of existing structures, since there [was] no global multi-stakeholder forum to address Internet-related public policy issues [...] as well as emerging issues, that are cross-cutting and multidimensional and that either affect more than one institution, are not dealt with by any institution or are not addressed in a coordinated manner.”<sup>44</sup>

Over its twelve years of activity, the Forum has proven to be a valuable platform for policy debates and a significant catalyst for cooperation by allowing different stakeholders to coordinate and organise new partnerships. The IGF work is oriented by the Multistakeholder Advisory Committee<sup>45</sup> (MAG), which is the IGF programme-committee, whose composition is structured according to gender-balance, geographical-balance and stakeholder-balance criteria and whose main tasks are to choose the IGF annual theme and evaluate IGF workshop and session proposals. Despite the general high level of transparency that governs the IGF process, the MAG remains the most obscure IGF element. Notably, the MAG-members selection process has been repeatedly questioned for its lack of transparency and the fact that the stakeholder categories that compose the MAG, according to its terms of reference,<sup>46</sup> differ from those mentioned in the IGF founding document, *i.e.* the Tunis Agenda,<sup>47</sup> makes observers wonder how are defined and implemented the criteria that orientate the organisation of this organ.

Indeed, the criteria orientating the selection process of the proposed MAG members, which is supposedly operated by the UN Under-Secretary General (USG), are completely unknown. When MAG members have to be renewed, the (USG) issues an invitation for nominations, so that the various stakeholder groups can autonomously select their representatives but, as noted by Badii (2016) it is not even possible to know whether “the USG really go[es] through a list of nominees he does not know anything about and select them without advice from anyone else. [...] It is even doubtful that the USG has any role more than of a rubber stamp on their appointments. But who is the decision maker? [UN Department of Economic and Social Affairs] employees? IGF

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<sup>43</sup> Notably, the IGF has constantly implemented remote participation and promoted the adoption of best practices allowing accessibility for individuals affected by disabilities. See <http://www.intgovforum.org/cms/dynamiccoalitions/80-accessibility-and-disability#reports>

<sup>44</sup> See WGIG, para 40.

<sup>45</sup> See <http://www.intgovforum.org/cms/magabout>

<sup>46</sup> Namely: “governments, the private sector, media, civil society, and the technical community”, as stressed by para. IV of the MAG Terms of Reference <https://www.intgovforum.org/multilingual/content/mag-terms-of-reference>

<sup>47</sup> Namely governments, business entities, civil society and intergovernmental organizations" making "full use of the expertise of the academic, scientific and technical communities." See para. 72.d and 73, Tunis Agenda.

Secretariat?” It is important to stress that this lack of transparency and predictability should be avoided by any other Internet advisory body.

Importantly, multistakeholder dialogue is not the exclusive goal of the Forum, and the IGF mandate explicitly states that the Forum shall “find solutions to the issues arising from the use and misuse of the Internet” as well as “identify emerging issues [...] and, where appropriate, make recommendations” (Tunis Agenda, para. 72.k and 72.g). However, despite the explicit provision of a recommendation function within its mandate, to date, the IGF has not officially issued recommendations due to the opposition of a minority of MAG members<sup>48</sup> (particularly amongst some private sector representatives and several government representatives), taking the view that it is not appropriate for the IGF to make recommendations.

Such opposition is notably motivated by some stakeholders’ fear that IGF may issue recommendations against their economic or political interests; that IGF would get bogged down in the same type of difficult, controversial, and adversarial discussions that may be observed in organisations that elaborate Internet-related policies (or any supranational or international policy), thus reducing its attractiveness as a forum for discussion; that IGF might compete with, existing agencies; and that IGF recommendations would represent binding documents and implicitly confer decision-making attributions to the IGF, which are explicitly prohibited by paragraph 77 of the Tunis Agenda.

However, such fears may be unwarranted in light of the substantial difference between issuing binding decisions and recommending soft-law documents, such as declarations of principles, model frameworks or good practices. Indeed, these latter documents are by nature non-binding and may be very useful in providing policy solutions that may inspire national policy-makers, thus fostering interoperable policies to frame shared problems. (Belli 2016; Belli & Foditsch 2016) In this regard, the IGF mandate states that the Forum shall facilitate “discourse between bodies dealing with different cross-cutting international public policies regarding the Internet,” acting as an “interface with appropriate intergovernmental organizations and other institutions [and facilitating] the exchange of information and best practices [making] full use of the expertise of the academic, scientific and technical communities.” (Tunis Agenda, para. 72.b.c.d) Therefore, it is fair to state that the real in-compliance with the IGF mandate is the avoidance to issue recommendations, notably in light of the existence of concrete outcomes that are annually produced by IGF intersessional groups such as the Dynamic Coalitions (DCs)<sup>49</sup> and the Best Practice Fora (BPF)<sup>50</sup>

However, given the difficulty to achieve consensus within traditional intergovernmental bodies, even for non-binding documents, it is not clear whether IGF would have more success in that respect. In this regard, a consensus process, which typically does not require unanimity of the participants, may be well suited to elaborate such non-binding documents, for example building on the ISO definition of consensus<sup>51</sup> or specifically defining when consensus can be considered as

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<sup>48</sup> In this regard, when analysing the reaction of some private sector representatives to the proposal to use Idea Rating Sheets to validate and recommend the outputs of the IGF Dynamic Coalitions, Malcolm (2015a) stressed that the proposal was met with “exactly the same over-the-top reaction that these control freaks [ i.e. some private sector representatives] (my source's words) pull in response to any measure aimed at empowering the IGF as a policy forum, from 2005 (when they opposed the IGF's very formation) until today.”

<sup>49</sup> See for instance the outcomes of the DC on Network Neutrality; <https://tinyurl.com/IGFoutcomesDCNN> ; the outcomes of the DC on Platform Responsibility <https://tinyurl.com/IGFoutcomesDCPR> ; or the outcomes of the DC on Community Connectivity <https://tinyurl.com/IGFoutcomesDC3>

<sup>50</sup> <http://www.intgovforum.org/cms/best-practice-forums/2015-best-practice-forum-outputs>

<sup>51</sup> See ISO/IEC Directives, part 1.

reached, despite unanimity, as it has been done by some DCs.<sup>52</sup> The definition of internal rules allowing establishing when consensus is reached and a document can be recommended is an element that should indubitably be integrated by any Internet advisory body.

Working towards the development of non-binding documents, a great number of IGF participants have expended considerable efforts in open and participatory processes, leading to concrete outputs through the IGF and, more recently, through the process known as “Connecting (and Enabling) the Next Billion,”<sup>53</sup> which aims at gathering a compilation of “policy options” that can be studied, adapted and replicated in specific contexts. Despite the absence of a formal process of “recommendation” of outcome documents, it is worth noting that some have already inspired the work of several institutions. For instance, the Charter of Human Rights and Principles of the Internet,<sup>54</sup> developed by the Internet Rights and Principles Coalition, was a considerable source of inspiration for the Declaration of Internet Rights, put forward by the Italian Chamber of Deputies. Similarly, in their effort to frame net neutrality, European policymakers have taken substantial inspiration from the Model Framework<sup>55</sup> on Network Neutrality, developed by the DC on Network Neutrality, which is currently utilised as a model law by a global coalition of human rights advocates,<sup>56</sup> in an effort to promote net neutrality legislation around the world.

It is a very positive sign that, following the 10<sup>th</sup> IGF, the documents produced by DCs and BPF have been finally acknowledged as outputs of the IGF intersessional work.<sup>57</sup> However, while the outcomes developed by both DCs and BPF are based on openness to stakeholder participation, their elaboration process do not coincide. On the one hand, DC procedures reflect their quintessentially self-organised and bottom-up nature and, therefore, are not uniform and may vary – not only as regards substance but also as regards format – depending on the inputs put forward by the stakeholder communities that compose each coalition.<sup>58</sup> However, all DC adhere to the “three Os” meaning open mailing lists, open archives and open membership as well as the inclusion of dissenting opinions in their reports, in order to foster plurality of opinions.<sup>59</sup> On the other hand, in spite of their multistakeholder nature, BPF may be seen as a more top-down effort guided by the MAG. Indeed, the theme of every BPF is proposed and approved by the MAG and a focal point from the IGF Secretariat, hired as a consultant, always holds the pen on BPF outputs. The contributors to the BPF are varied, encompassing experts from various stakeholder groups and there has been an established practice of appointing a MAG coordinator for each BPF, acting as a co-organiser and helping to streamline and stimulate contributions.

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<sup>52</sup> See Rules of Procedure of the DC on Network Neutrality, (iii) Consensus. <http://www.networkneutrality.info/about.html> as well as Rules of Procedure of the DC on Community Connectivity 5.iii Consensus <https://comconnectivity.org/about>

<sup>53</sup> <http://www.intgovforum.org/cms/policy-options-for-connection-the-next-billion>

<sup>54</sup> <http://internetrightsandprinciples.org/wpcharter/>

<sup>55</sup> The Model Framework was included in an expert report presented at the Council of Europe Steering Committee on Media and Information society, in December 2013. (Belli & van Bergen, 2013) Fragments of the Model framework where utilised by the European Parliament’s Committee on the Internal Market and Consumer Protection to amend the European Commission proposal for a Regulation laying down measures concerning the European single market for electronic communications. See IMCO Report 2013/0309(COD), especially the modifications qualified as “Council of Europe and other independent experts”. Several fragments where included in the EU Regulation 2015/2120 laying down measures concerning open internet access.

<sup>56</sup> <http://thisisnetneutrality.org/>

<sup>57</sup> <http://www.intgovforum.org/cms/>

<sup>58</sup> As an instance, the 2017 outcome of the DC on Network Neutrality was an interactive online map providing crowdsourced information on zero rating practices around the world: <http://zerorating.info/>

<sup>59</sup> Terms of Reference of the Dynamic Coalitions Coordination Group (DCCG): <http://www.intgovforum.org/cms/dc-coordination-group-tor>

It is also important to note that, since the IGF 2015, the IGF community has been allowed to express its own opinion on concrete outputs, having a say on the content of the proposed documents, using Idea Rating Sheets (IRS).<sup>60</sup> Although this participatory experiment may be seen as quite timid, it is remarkably innovative for a forum that has shied away from the adoption of any official outputs for over an entire decade, for the reasons outlined above. Furthermore, to make this experiment even more inclusive, it has been established the practice of keeping the IRS open until the end of the calendar year, to allow individuals to express feedback on key outcomes on issues such as net neutrality, online platform responsibility and the Internet of Things.

Besides fostering stakeholder engagement in the IGF process, the production of tangible outputs is instrumental in producing policy suggestions that may be valuable for national and international policymakers and that may ultimately lead to interoperable legal frameworks, based on compatible rules inspired by the recommended documents. (Belli 2016) The elaboration of concrete recommendations stemming from multistakeholder discussions and consultations is an element that should be present in all Internet advisory bodies.

## **Conclusion: Multistakeholder Principles for Open Policy-Making**

As we have highlighted in the previous sections, multistakeholder processes for Internet governance have not only been experimented at the international level but, on the contrary, have been embedded in several national governance processes. Such evolution is grounded on the assumption that the offline and online world mutually influence each other's and that as offline laws apply online, Internet "customary principles" (Belli 2016) such as openness and multistakeholder participation can help enhance the elaboration of policy affecting the online and offline world alike. Notably, as states will be inevitably involved in a range of complex and transnational issues including internet governance, including national security and economic policy concerns, it seems advisable that public policies be elaborated considering the widest possible number of standpoints, interests and potential solutions.

Governments have an important role to play with respect several internet governance matters such as the enforcement of existing laws online, the adaptation of laws and policies to address digital challenges, and perhaps the elaboration of new laws to cover new breeds of issues that may arise because of technological evolution. Some excellent examples of the third situation are provided by the elaboration of the Brazilian *Marco Civil da Internet*, the French Law for a Digital Republic and, to a minor extent, the Italian Declaration of Internet Rights. These examples illustrate how multistakeholder consultations can be embedded in traditional democratic governance mechanisms in order to strengthen decision-making processes with multistakeholder inputs. . While the consultations were open and broad, the final decisions were made by public bodies that are ultimately accountable to the people through the national parliament and the national judicial system. Notably, those regulations can be challenged in court, should they deemed as not consistent with the law or constitution. On the other hand, the policy suggestions elaborated at the IGF level demonstrate that multistakeholder efforts may go beyond the mere discussion and produce concrete proposals that, regardless of their official recommendation, may inspire – and are already inspiring – national as well as international policymaking efforts.

Therefore, the abovementioned experiences show that stakeholder contributions may be helpful in increasing the quality of the final document while the possibility of for the public to express its opinion give public bodies the possibility to distillate the public interest and enhances the chances that the final outcome will be accepted. (Habermass 1998) As such, individuals and organisations alike have the possibility to advocate for their interest and express their standpoints, taking part to a

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<sup>60</sup> Results of the Online Idea Rating Sheets: <http://www.intgovforum.org/cms/dynamiccoalitions/feedback>

process of “cooperative search for truth, where nothing coerces anyone except the force of the [most persuasive] argument.” (Habermas, 1998). Such process seems to be beneficial to provide the widest possible number of position upon which the public interest may be identified and public decisions may be taken. On the contrary, if the final decision had been subject to obtaining the unanimous consensus of all the stakeholders, there would not have been a final decision, because inevitably the decision would not have been the preferred outcome of some stakeholders.

If we wish to go beyond national boundaries (which is often necessary in the case of Internet governance), it is not obvious how to embed multistakeholder processes into democratic governance at the international level, for a number of reasons. (Hill 2016) First, the members of intergovernmental agencies are states, and non-state actors cannot participate fully in all discussions, even if there has been progress recently in permitting more participation of non-state actors. Second, states are not necessarily willing to allow one of their non-state actors to contradict their own positions during international discussions: this is understandable to the extent that the state’s position is supposed to reflect the interests of all the citizens of the state, so the state is not keen to have it said that that is not the case. This reveals the importance of multistakeholder processes in order to developed well-informed positions and policies that aggregate the public opinion and express the public interest in relation to specific issues being discussed internationally.

In addition, if one considers the possibility to ascribe decision-making powers to multistakeholder mechanisms, it is not clear how to resolve tensions between non-state actors (whether private companies or non-governmental organisations) and government agencies. Third, participation in international discussions typically involves significant travel and knowledge of at least one of the six official UN languages, but in practice a good knowledge of English is required. Such elements may represent important filters, *de facto* reducing the openness of participation to the few able to meet all the conditions allowing not to be filtered out, thus turning multistakeholder processes in “oli-stakeholder”<sup>61</sup> ones. Fourth, and perhaps most importantly, intergovernmental agencies are comprised of the executive branches of governments, there is no international equivalent of a national parliament, and (apart from some exceptions) there is no binding international court system. Thus, the separation of powers that enables essential check and balances that are fundamental to democracy does not exist at the international level.

Hence, it is important to stress that multistakeholder processes may usefully complement existing democratic processes but should not be considered as a possible substitute. Multistakeholder processes may provide high quality and diverse inputs and may foster coordination and synergy not only between different stakeholders but also within same stakeholder group. This latter point is particularly evident with regard to government agencies and departments, which may take great vantage from the coordination opportunities offered by the participation to multistakeholder efforts, as shown by both the Brazilian and UK example.

It is particularly important to stress that openness to participation should also be concretely matched with policies aimed at positively discriminating those individuals and stakeholders that may not otherwise have the possibility to provide their inputs and feedback. In this regard (online) consultations should also be accompanied by capacity-building and pedagogic initiatives as well as by concrete funding opportunities for those stakeholders lacking financial resources necessary to participate. Furthermore, multistakeholder bodies should be properly funded and total transparency should be applied in general to all activities of such bodies and in particular to the management of financial resources. Lastly, administrative councils or boards orientating the function and issuing recommendations on behalf of the multistakeholder entity should have a multistakeholder composition and representatives of the various stakeholder groups should be democratically elected, reflecting the widest possible range of interests and standpoints.

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<sup>61</sup> Such a neologism refers to a mechanism based on the participation of a limited group (ὀλίγος /oligos "few") of stakeholders. (Belli 2016:312)

To conclude, we offer as an annex a set of recommendations aimed at facilitating the establishment of national multistakeholder advisory bodies on Internet policy. The following good practices have been distilled from a critical observation of the case studies analysed in this paper and benefitted from substantial feedback expressed by the participants of the INSCI 2016 workshop to which goes the gratitude of the authors.

## **Annex: MODEL ADVISORY BODY ON INTERNET POLICY**

### **1. Board Composition**

The Board of the Advisory Body on Internet Policy (ABIP) should have a multistakeholder composition including one third of members representing different governmental agencies and branches and two thirds of members representing non-governmental stakeholders. Governmental stakeholders should be appointed by the national government and, besides acting within the ABIP Board, should liaise with the respective governmental entity. Non-governmental members should be structured in different constituencies having equal number of representatives, who should represent the interests of:

- the business communities;
- non-commercial entities and individual users;
- academic and technical communities.

Board membership should be gender balanced.

### **2. Board members appointment and election**

While governmental representatives should be selected by the national government, non-governmental stakeholders should be freely appointed by the respective constituencies according to open and transparent processes. The business constituency should be structured in various sectors, whose members that should appoint their own representatives independently. Board members should be elected for maximum 2 mandates. Board members should act on a voluntary basis but should be reimbursed of any expense they support. All board members and candidate to board membership should publish a statement of interests, declaring sources of funding and any element likely to raise conflict of interest.

### **3. ABIP Attributions**

The ABIP should act in the public interest and promote wide range of initiatives aimed at facilitating the elaboration and implementation of national policies and programmes concerning the Internet and, more broadly, the Information and Communication Technologies (ICTs). Notably, the ABIP should:

- Focus on national as well as on international policy issues;
- Promote research and impact assessment studies;
- Organise national consultations to be help online as well as offline in a variety of locations;
- Promote the establishment of working groups aimed at nurturing the work of the ABIP with expert inputs;
- Elaborate recommendations based on the research developed, the results of the consultations and the inputs provided by the working groups;
- Promote pedagogic initiatives and programmes aimed at familiarising the national population with ICT-related issues.

### **4. Coordination with executive and legislative powers and other bodies**

The ABIP should organise periodic reunions with representatives from the legislative power as well as various components of the national government and from local governments in order to be able to properly respond to the demand and establish long-term synergy with public actors. The ABIP

should have a permanent international liaison officer who should guarantee the coordination between the ABIP and relevant international organisations.

Legislative and executive powers should request ABIP advise when elaborating policies on ICT-related issues.

## **5. Funding**

The ABIP should have sufficient funding in order to undertake its functions independently. Ideally, a portion of the revenues produced by registration of domain names in the national country code top-level domain should be dedicated to the funding of the ABIP activities.

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*<http://insci2016.complexworld.net/workshops/how-can-openness-and-collaboration-enhance-internet-policy-making>*

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## References

- Almeida, V., Getschko, D. and Afonso, C., "The Origin and Evolution of Multistakeholder Models", *IEEE Internet Computing*, Vol.19, n. 1, pp. 74-79, Jan.-Feb. 2015.
- Badii F. (29 May 2016). "Will the UN Kill the IGF?". *Internet Governance Project*. <http://www.internetgovernance.org/2016/05/29/will-the-un-kill-the-igf/>
- Belli, L. (2016). *De la gouvernance à la régulation de l'Internet*. Berger-Levrault.
- Belli, L. (2015). "A heterostakeholder cooperation for sustainable internet policymaking". *Internet Policy Review*, 4(2)
- Belli, L. and Foditsch, N. "Network Neutrality: An Empirical Approach to Legal Interoperability", in Belli, L. and De Filippi, P. (Eds.) (2016) *Net Neutrality Compendium: Human Rights, Free Competition and the Future of the Internet*. Springer.
- Belli, L. and van Bergen, M. (2013). "Protecting Human Rights through Network Neutrality: Furthering Internet Users' Interest, Modernising Human Rights and Safeguarding the Open Internet". Council of Europe. CDMSI(2013) Misc19
- Bollow N., and Hill R. 2014. *Thoughts on Best Practices for Multistakeholder Participation Mechanisms*. [http://www.apig.ch/best\\_practices.pdf](http://www.apig.ch/best_practices.pdf)
- Bollow N., and Hill R. 2015. *Reflections on Making Internet Governance Democratic and Participative*. [http://www.apig.ch/democratic\\_and\\_participative.pdf](http://www.apig.ch/democratic_and_participative.pdf)
- Bradner, S. (1998). "IETF Working Group Guidelines and Procedures". *Request for Comments 2418*. <https://tools.ietf.org/html/rfc2418>
- Council of Europe (13 May 2005). *Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society*. CM(2005)56 final.
- Council of Europe (21 September 2011). *Declaration by the Committee of Ministers on Internet governance principles*.
- De Nardis, L., and Raymond, M. (2013). "Thinking Clearly about Multistakeholder Internet Governance". *Eighth Annual GigaNet Symposium*, Bali Indonesia, 21 October 2013. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2354377](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2354377)
- Gasser, U., Budish, R. & West, S.M. (14 January 2015). "Multistakeholder as Governance Groups: Observations from Case Studies", *Berkman Center Research Publication No. 2015-1*.
- Glaser, H. and Canabarro, D. "Before and after the WGIG: Twenty years of multistakeholder Internet governance in Brazil" in Drake, W. (Org.). *The Working Group on Internet Governance - 10th anniversary reflections*. 1 ed., 2015, v. 1, p. 141-155. <https://www.apc.org/pt-br/node/21230>.
- Habermas, J. (1998). *Between Facts and Norms Contributions to a Discourse Theory of Law and Democracy*. Cambridge, Mass.: The MIT Press.
- Hill, R. 2016. "Internet governance, multi-stakeholder models, and the IANA transition: shining example or dark side?" *Journal of Cyber Policy*, Vol. 1 No 2, <http://dx.doi.org/10.1080/23738871.2016.1227866>
- Hoffman, J. 2016. "Multi-stakeholderism in Internet governance: putting a fiction into practice". *Journal of Cyber Policy*, Vol. 1 No 1, pp. 29-49. <http://www.tandfonline.com/doi/pdf/10.1080/23738871.2016.1158303>
- ITU Resolution 140 (Rev. Guadalajara, 2010). *ITU's role in implementing the outcomes of the World Summit on the Information Society*.
- ITU Resolution 140 (Rev. Busan, 2014). *ITU's role in implementing the outcomes of the World Summit on the Information Society and in the overall review by United Nations General Assembly of their implementation*.
- Maciel, M., Zingales, N. and Fink, D. (2015). "The Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial)". *NoC Internet Governance Case Studies Series*: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2643883](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2643883)

- Malcolm j. (26 October 2015a) “Idea Rating Sheets for validation of IGF dynamic coalition outputs”. *IGFWatch News*. <http://igfwatch.org/discussion-board/idea-rating-sheets-for-validation-of-igf-dynamic-coalition-outputs?func=rate;rating=5>
- Malcolm, J. 2015b. “Criteria of Meaningful Stakeholder Inclusion in Internet Governance.” *Internet Policy Review*. Vol. 4, no. 4
- OECD (17-18 June 2008). *The Seoul Declaration for the Future of the Internet Economy*. OECD Ministerial Meeting, Seoul.
- OECD (13 December 2011). *Council Recommendation on Principles for Internet Policy Making*. Retrieved from <http://www.oecd.org/internet/ieconomy/49258588.pdf>
- Souter, D. (2009). “Information and Participation in Internet Governance”. *Report for the Council of Europe*. UNECE APC.
- Tunis Agenda for the Information Society*. (18 November 2005). WSIS-05/TUNIS/DOC/6(Rev. 1)-E. <https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>
- WGIG. (2005) *Report of the Working Group on Internet Governance*. <http://www.wgig.org/docs/WGIGREPORT.pdf>