

POLICY BRIEF: Internet Governance and the Future of the NetMundial Initiative

June 2015

Background and summary:

Regarded by many to have been born out of the [Ivies Commission](#) and initiated by Fadi Chehade (the CEO of the Internet Corporation for Assigned Names and Numbers, or ICANN), the NetMundial Initiative (NMI) seeks to further the [outcomes](#) of the NetMundial — the Global Multistakeholder Meeting on the Future of Internet Governance — which took place in Brazil in April 2014. (Access participated in the NetMundial; [here](#) is our resource page for the forum.) The initiative was officially launched in November 2014 and has been coordinated and driven in its initial phases by the World Economic Forum (WEF), the Brazilian Internet Steering Group (CGI.br), and others. NMI activities are currently scheduled to be led by an [inaugural coordination council](#) consisting of 25 members, after completion of a nomination process for its initial coordinating body.

It should be noted that since its inception, the NetMundial Initiative has been subject to both praise and criticism. Previously, we expressed our concerns in a [blog post](#), after attending the initial meeting in Geneva in August 2014. These were in addition to the [worries expressed](#) by other actors such as the [International Chamber of Commerce](#) (ICC), the [Internet Architecture Board](#) (IAB) and the [Internet Society](#) (ISOC), among [others](#). These worries ranged from concern about the lack of consultation with the global community on various grounds, to the need for clarification regarding the Initiative’s approach and organizational structure. Observers took note that the NMI went ahead with its announcement of the Inaugural Coordination Council and Community review process despite the fact that stakeholders in previous meetings had asked for more clarity beforehand about the NMI’s focus and strategy for adding value.

In this brief, we lay out some of our concerns, principally around:

1. Openness and inclusivity
2. Clarity as to how the NMI plans to advance the NetMundial Principles
3. The NMI and its impact on the future of the Internet Governance Forum and the World Summit on the Information Society’s “WSIS+10 Review”
4. The need for the NMI to prioritize issues with respect to protecting and advancing digital rights
5. The added value of the NMI as a forum or institutional process

We hope that these issues will be addressed in the Coordination Council meeting that will take place on June 30, 2015 in Brazil (where Access will participate as an observer), and in any next steps of the NetMundial Initiative.

About Access: Access defends and extends the digital rights of users at risk around the world. By combining innovative policy, user engagement, and direct technical support, we fight for open and secure communications for all. For more information please visit www.accessnow.org

Key points that require redressal as the NetMundial Inaugural Coordination Council meets:

I. Openness and inclusivity:

- Any process for institutional engagement with global Internet governance issues needs to be true to principles of openness, transparency, and inclusivity. This must include the creation and advancement of mechanisms that ensure “the full participation of all stakeholders, from both developed and developing countries, within their respective roles and responsibilities.”¹
- Therefore, any such initiative should be open to participation by diverse communities. The effort made to ensure that NMI’s inaugural Coordination Council has diverse membership is a positive step, which Access acknowledges. However, despite the fact that the inaugural Coordination Council Meeting was open to civil society participation as “observers,” there was no travel funding available, which presents hardship for groups and individuals with limited resources.
- On its [website](#), NMI provides resources in seven languages, which is a good step forward for inclusiveness. However, more can be done that would be true to the NetMundial ethos, such as providing travel funding, setting up [remote participation hubs](#), working on open, collaborative document pads and committing to other accessibility mechanisms.
- Inclusive participation would be improved if the numerous working groups and council [meetings](#) were recorded and made available to the public, in addition to streaming the meetings and publishing minutes.
- For true and effective accountability, transparency on funding resources is crucial. From news reports, we know that around [USD 600,000](#) has been provided to the NMI Secretariat by ICANN, WEF, and CGI.br. However, there is no public document available on the website listing financial details and funding sources.
- Openness implies that any interested party would be able to participate in any space or process if such party meets objective criteria. There is a need for further clarity and

¹ Paragraph 31 of the Tunis Agenda - [WSIS-05/TUNIS/DOC/6\(Rev. 1\)](#)

publicity on the selection, as well as in the duration and scope of the mandate of the NMI Coordination Council and staff.

II. Clarity as to how the NMI plans to advance the NetMundial Principles:

- Several civil society groups — including Access — supported the NetMundial Principles, while [recognizing their limitations and uncertainties](#). Furthermore, by bringing a [diverse range of actors](#) together to discuss issues to ensure that in the future, the “Internet is a global resource,” NetMundial has proven to be an innovative and inclusive approach beyond intergovernmental processes.²
- The NetMundial Initiative website indicates that groups who support the NetMundial Principles are welcome to create dynamic coalitions — but there currently appears to be an absence of any other strategic focus or operational direction with regard to furthering the NetMundial Principles. NMI, while strongly using the brand and the heritage of NetMundial, should make sure that its activities do not weaken what has come out of NetMundial. Similarly, the mission of the sub-granting program of the NMI is phrased as finding “enablers of distributed Internet governance ecosystems.” Even though all project proposals are open, and there are already some interesting [project proposals](#) and [tools](#) in development, the criteria used in [choosing the projects](#) to be funded currently appears to be opaque.
- The NMI should seek to further the positive outcomes from NetMundial, and to advance the rights-respecting language that many members of civil society and other stakeholders have called for but was not included — especially the language concerning Net Neutrality, gender equality, and surveillance reform (in particular, the adoption and implementation of the [International Principles on the Application of Human Rights to Communications Surveillance](#)).

III. NMI and impact on the future of the Internet Governance Forum, WSIS+10 Review

- The NetMundial Initiative presents itself as an information sharing initiative aimed at supporting existing governance structures like the Internet Governance Forum (IGF). But in fact, the lack of clarity with regard to the Initiative’s scope and plan of action risks weakening the impact of, and fragmenting participation in, the IGF.
- In order to prevent this from happening, NMI should avoid the duplication of language, schedules, strategies, and approaches.

² [NetMundial Multistakeholder Statement](#) [PDF], pp. 4.

- The Internet Governance Forum has been a platform of critical importance for the consolidation of the pluralistic approach to Internet governance, and has to some extent allowed diverse and inclusive participation. This year there is an opportunity to address this issue and increase the importance of the platform in the context of the WSIS+10 review process. If the NetMundial Initiative is to proceed, this critical moment surrounding the WSIS +10 review process is a good place to solidify its purpose and mission, by providing the necessary resources and support for civil society representatives from all around the world who are [trying to get involved](#) in this [process](#). As the [draft agenda](#) of the Coordination Council Inaugural Meeting includes an agenda item on WSIS, “Discussion on Contributing to WSIS Objectives,” we hope that such plans will support and complement the ongoing efforts by civil society organizations and interested parties from all around the world.

IV. The need for the NMI to prioritize issues with respect to protecting and advancing digital rights

- The protection of human rights online should be the focus of the NMI and at the core of its mission. On most of the documentation and strategic plans of the NMI, there continues to be only a few references to human rights and civil liberties. [The draft agenda](#) of the Inaugural Coordination Council also currently does not take up the issues of advancing the rights of users — a development which is of great concern to Access. The NetMundial Initiative should at the very least have a stronger human rights focus, in order to strengthen and advance the NetMundial norms and principles.
- The NMI should work within the framework set out by the UN Human Rights Council and reasserted in the NetMundial outcomes documents, which makes clear that “human rights are universal as reflected in the Universal Declaration of Human Rights and that should underpin Internet governance principles. Rights that people have offline must also be protected online, in accordance with international human rights legal obligations.”³

V. The value addition of the NMI as a forum or institutional process

- We must identify the medium- to long-term goals of the NMI. Specifically, all stakeholders and other groups engaged with the NMI need to clarify the NMI's added value, specific purpose(s), and the clearly identifiable and achievable goals that it is going to set for itself.

³ See [A/HRC/RES/20/8](#) [PDF], UN Human Rights Council - ‘The promotion, protection and enjoyment of human rights on the Internet’.

- If the members of the Coordination Council and the observers for the NMI's initial Coordination Council meeting agree that the NMI's current focus areas are not providing clear value addition or are having a negative impact on existing institutions, then the Secretariat should work on clear milestones, next steps, and whatever other strategic decisions that might be required — including dissolution of the Initiative — to ensure the most efficient allocation of resources.

Conclusion:

Access remains engaged in this process, observing the development of the NetMundial Initiative in order to ensure that Internet governance institutional developments further the attainment of basic principles built on consensus by the Internet community, such as: the advancement of an open and inclusive internet; the equal representation and participation of all stakeholders; the protection and advancement of human rights online; and the promotion of transparency and accountability in governance institutions.

We are today at a special moment in history. Ten years have passed from the second phase of the World Summit on the Information Society and a review of that process — and its significant outcomes — is happening right now till the end of the year. This presents an opportunity for all Internet governance actors to define clear strategies for supporting key institutions and for defining accurate and relevant principles, plans of action, and spaces for engagement.