Response to the Report of the UN Secretary-General's High-level Panel on Digital Cooperation

Governance Primer, ABES, AR-TARC

The input presented in this document attempts to reflect a Latin American perspective coming from the private sector position, with Governance Primer[1] acting as a banner for Mark W. Datysgeld as an Internet Governance consultant working in partnership with the Brazilian Association of Software Companies (ABES)[2] and AR-TARC Certification Authority[3]. As a group, we have participated extensively in the IGF events from the past several years, but carry out our main activities over at ICANN, within the Business Constituency, as well as being dedicated contributors to the Universal Acceptance initiative.

Call for feedback Section 1

> *P.1: As part of this process, we understand that the UN Secretary-General may appoint a Technology Envoy.*

A Technology Envoy would be valuable were they a respected member of the community that most would find able to accurately represent and describe the issues being faced by the involved stakeholders. Were the person somebody appointed for reasons other than their unmistakable expertise, this would just generate a large degree of distrust in the community. This is a nomination that should require much thinking from those responsible for making the choice.

> *P.3: Where possible we can make existing inter-governmental forums and mechanisms fit for the digital age rather than rush to create new mechanisms, though this may involve difficult judgement calls: for example, while the WTO remains a major forum to address issues raised by the rapid growth in cross-border e-commerce, it is now over two decades since it was last able to broker an agreement on the subject.*

New mechanisms make themselves necessary due to the fact that Internet Governance touches upon such a variety of subjects that discussions carried out within other fora may be useful to advance specific matters, but end up further fragmenting the overall

---

[1] www.governanceprimer.com
[2] www.abessoftware.com.br
[3] www.ar-tarc.com.br

debate landscape. While integration with other fora is certainly important, there is no doubt that a fresh approach is needed for issues to be discussed in a more encompassing manner that is able to produce elaborate results.

P.4: Given the speed of change, soft governance mechanisms – values and principles, standards and certification processes – should not wait for agreement on binding solutions. Soft governance mechanisms are also best suited to the multi-stakeholder approach demanded by the digital age: a fact-based, participative process of deliberation and design, including governments, private sector, civil society, diverse users and policy-makers.

Multistakeholder arrangements are not fast, so they do not stand in opposition to the way traditional legislation works in this sense. An arrangement of this kind that aims to be fast needs to have very specific directives and not be structured upon just loose premises of cooperation, but rather be aimed at joining the global community in objective-oriented tasks that have specific deadlines and benchmarks. Otherwise, while it would improve the reach and diversity of the debate, it would not accelerate the process.

Call for feedback Section 2

P.10: The Advisory Group

The Advisory Group has proven to be a stable organism that is capable of organizing the yearly IGF event and coordinating the selection and allocation of panels. As far as its objective structure is concerned, it shouldn't be a problem to maintain it in a similar way to how it operates at the moment.

What does need to be changed, however, is the question of representation. Once selected, MAG members do not owe any sort of accountability to their constituents, in spite of theoretically representing their interests. Currently there is no public or transparent way to ask these representatives to address concerns, so one has to rely on direct contact, which while not wrong, is not always ideal or even desirable.

A non-binding system should be established in which stakeholders are able to communicate their positions and ideas to MAG members in a transparent way, so that a broader sense of debate and representation can be achieved. There have in the past been decisions made within the MAG that did not resonate with numerous stakeholders but went unaddressed due to the lack of proper communications channels, and this should be avoided in the future.

P.11: The Cooperation Accelerator

The core idea around this organism is solid, as there is indeed a lack of communication between initiatives in Internet Governance, which is ironic considering the reason why the Internet was created in the first place. It can be hard to visualize how your project interacts with other ventures in such a broad landscape, even more so because there are linguistic and visibility barriers to overcome in the identification of overlaps and potential synergies.

However, there are different ways in which this accelerator could work and a clear vision needs to be chosen for it to be effective. A first, cheaper, idea would be for it to act as a sort of repository in which stakeholders could sort through initiatives categorized by tags, being able to find and communicate with other project leaders to facilitate partnerships and knowledge sharing. Even if the idea appears simple, currently no such resource exists and it would be a big step forward for the community.

Another, costlier, idea would be for it to count with the assistance of a team that would actively attempt to match projects and enhance their cooperation. This is something that could potentially be run on a voluntary basis, but there is an important component of outreach and actually getting stakeholders to buy into the project that would require much more sophisticated and therefore paid work.

In either case, some sort of central organization is necessary, with proper management of the available resources and monitoring of how the platform is being utilized to improve it in significant ways that react to how the system is actually being employed.

P.12: The Policy Incubator

Out of the organisms that have been proposed, this is the one that might have the most complications. Conceptually it is a good idea, but how to structure and carry out its activities seems a difficult question. Taking our experiences from the ICANN community as an example and supposing that Working Groups and "policy groups" share the same core concepts, it is genuinely hard to be very inclusive and at the same time create the correct incentives for policy to follow an evidence-based approaches in which effective compromises are made and result in quality policy.

Over at ICANN, to achieve such results demands years, with the recent Expedited Policy Development Process (EPDP) having generated significant results within a year at the cost of much exertion from the community, which at the end of the day burned out important volunteers and generated great tension around the subject. How would this be replicated with even broader policy subjects involved?

A very structured approach would need to be taken for this organism to function properly, which includes the establishment of firm criteria for policy group membership, which should have a limited number of participants, have a cut-off date for joining,

follow firm deadlines, and overall not pursue loose goals, but rather have the aim of finding the best evidence available or generating it via research to end up with strong advice on specific matters.

P.13: The Observatory and Help Desk

This represents a key set of components that risk being sidelined in the face of other, more noticeable, organisms being proposed in this IGF overhaul. From our experience, most stakeholders find it difficult to keep around specialists that can tackle the varied issues that emerge from the digital environment. Even coming up with structures to deal with pressing issues such as data protection and cybersecurity present a challenge to many businesses and governments, never mind dealing with all relevant matters in a proactive manner. This is why this component would be quite useful.

It is important to note, however, that these Help Desks cannot be assembled as a "best effort", they need to employ specialized teams that can effectively deal with situations instead of answering to the concerns from stakeholders using a limited FAQ or something similar. There is not much margin for error, if a few attempts are made by a stakeholder to be helped and they end up with non-answers or experience a massive delay, they will not come back for another attempt.

An important role for this organism could be to act as connector between stakeholders in need of help and service providers that are qualified to support them. This should not be a cumbersome process, but providers should be vetted in some way, needing to prove proven competence in the area. This should not be a situation in which the UN acts as some sort of gatekeeper to services, but rather it would establish a slightly more organized market that allows problems and solutions to be matched at a global level.

In this sense, it could not be run on a voluntary basis. People need to be remunerated to take part in such an effort and be able to adhere to deadlines – unlike the ever-slipping deadlines of voluntary multistakeholder efforts. It could be that companies and organizations donate the time of their employees, or money could be pooled from involved stakeholders to pay for the time of contractors. This is something that needs to be discussed in an open and realistic manner.

P.14: The IGF Trust Fund

While several UN agencies dealing with critical contemporary matters are treated as priorities and enjoy wide support and funding from the institution's regular budget and additional donations from highly interested countries, the IGF has been treated as a non-entity that is nice to have but not essential. While the matter of the Internet and the digital space certainly intersect with other themes and appear as part of the work of

different agencies, the fact remains that the IGF is the reference space for this sort of discussion within the UN.

The continuation of the vision that the IGF is something fairly ad-hoc does not make sense considering the scope of the issues being addressed. To establish a proper functioning environment that would be able to deal with the massive challenges that lie ahead requires not only commitment from the stakeholders, but the UN itself needs to evaluate what its role is in an IGF Plus environment. While it should not be made into an agency, it should not be something detached that is ran on a volunteer basis either.

September 2019