

GLOBAL INFORMATION SOCIETY WATCH 2024 SPECIAL EDITION

**WSIS+20: Reimagining horizons of dignity, equity
and justice for our digital future**



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC),
IT FOR CHANGE, WACC GLOBAL
AND SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA)

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WSIS+20: Reimagining horizons of dignity, equity and justice for our digital future

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Cornerstone, Achilles heel or “fake news”? WSIS and the role of the multistakeholder approach in empowering civil society’s participation in internet governance

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The WSIS ought to be considered both as an experiment in global communication governance and a political marker. As a multi-stakeholder experience, the event tested the effectiveness and feasibility of integrating non-government actors into an intergovernmental political negotiation process. As a political marker, the WSIS set a new level – theoretically at least – for the participation of NGOs in subsequent political negotiations. The political and institutional legacy of the WSIS will thus be largely judged by the role the summit played in the democratization of global communication governance going forward. – Marc Raboy, Normand Landry and Jeremy Shtern²

Looking back on the occasion of the 20-year review of the World Summit on the Information Society

The idea of multistakeholder partnership was not invented by the World Summit on the Information Society (WSIS). But it was during WSIS that it came to be seen as indispensable to achieving the overarching WSIS goal of a people-centred information society. This was outlined unequivocally in the Geneva Declaration of Principles, an outcome document of the first phase of WSIS:

Governments, as well as private sector, civil society and the United Nations and other international organizations have an important role and responsibility in the development of the Information Society and, as appropriate, in

decision-making processes. Building a people-centred Information Society is a joint effort which requires cooperation and partnership among all stakeholders.³

WSIS took place when civil society was actively campaigning against approaches to globalisation, which was being encouraged by the international financial institutions, and which activists felt was entrenching the power of multinational corporations, weakening the role of the public sector, and undermining social and economic justice.⁴ It is no accident that some organisers of the World Social Forum (WSF) which first took place in Porto Alegre, Brazil, were also active in WSIS.⁵ For civil society organisations working in the late 1990s and early 2000s for social and economic justice, peace and environmental sustainability, information and communications technologies (ICTs) and the internet strengthened global solidarity, interconnection and South-South collaboration. Even prior to the widespread availability of the mainstream commercial internet, APC and its partners were using email networks and news groups to give life to the WSF motto, “Another world is possible.”⁶

At the same time, the information and communications sector was dominated by the drive to privatise and liberalise telecoms. Particularly in developing countries, many civil society organisations did not oppose this move, having lost faith in the ability of government-owned telcos to roll out the affordable and widely available fixed-line infrastructure that was needed to access the internet. But they were also sceptical of the prevailing approach to telecoms liberalisation as, in many cases, privatising ownership of state-owned postal, telegraph and telephone services

1 Anriette Esterhuysen is APC’s Senior Advisor on Internet Governance. The author would like to acknowledge the contributions and support of Avri Doria in the compilation of this report.

2 Raboy, M., Landry, N., & Shtern, J. (2010). *Digital Solidarities, Communication Policy and Multi-stakeholder Global Governance: The Legacy of the World Summit on the Information Society*. Peter Lange.

3 <https://www.itu.int/net/wsis/docs/geneva/official/dop.html>

4 https://en.wikipedia.org/wiki/Anti-globalization_movement

5 The Brazilian civil society organisation Instituto Brasileiro de Análises Sociais e Econômicas (Ibase), a founding member of APC, was a driving force in the establishment of the WSF, and also played an active role in WSIS.

6 https://en.wikipedia.org/wiki/World_Social_Forum

occurred before market regulation had effectively enabled competition in a way that lowered costs and expanded infrastructure. The result was that state-owned monopolies were replaced by the “new incumbents” – privately owned monopolies, and in many cases, the predecessors of the mega-mobile network operators (MNOs) that still dominate internet access provision for most people in the developing world.

Rhetoric coming from international financial institutions and development agencies and donors posited public-private partnerships (PPPs) as the only viable approach to ICTs for development. This approach was largely top-down and often vendor-driven and it did not provide space for civil society or community-based voices. It also often explicitly opposed efforts to expand the emerging support for open-source software development, open standards, open content licensing and open government that emerged in the late 1990s.

As a result, for civil society organisations who identified with the idea of communications rights, and the use of ICTs for social justice and sustainable development, WSIS represented an opportunity to work towards the goal of an inclusive people-centred information society in a manner that itself promised to be people-centred and inclusive. The text of the Geneva Declaration of Principles and Plan of Action contains a section dedicated to the role of governments and all stakeholders in the promotion of ICTs for development and the need for them to work collaboratively:

C. Action Lines

C1. The role of governments and all stakeholders in the promotion of ICTs for development

8. The effective participation of governments and all stakeholders is vital in developing the Information Society requiring cooperation and partnerships among all of them.

- a) Development of national e-strategies, including the necessary human capacity building, should be encouraged by all countries by 2005, taking into account different national circumstances.
- b) Initiate at the national level a structured dialogue involving all relevant stakeholders, including through public/private partnerships, in devising e-strategies for the Information Society and for the exchange of best practices.
- c) In developing and implementing national e-strategies, stakeholders should take into consideration local, regional and national

needs and concerns. To maximize the benefits of initiatives undertaken, these should include the concept of sustainability. The private sector should be engaged in concrete projects to develop the Information Society at local, regional and national levels.

- d) Each country is encouraged to establish at least one functioning Public/Private Partnership (PPP) or Multi-Sector Partnership (MSP), by 2005 as a showcase for future action.
- e) Identify mechanisms, at the national, regional and international levels, for the initiation and promotion of partnerships among stakeholders of the Information Society.
- f) Explore the viability of establishing multi-stakeholder portals for indigenous peoples at the national level.
- g) By 2005, relevant international organizations and financial institutions should develop their own strategies for the use of ICTs for sustainable development, including sustainable production and consumption patterns and as an effective instrument to help achieve the goals expressed in the United Nations Millennium Declaration.
- h) International organizations should publish, in their areas of competence, including on their website, reliable information submitted by relevant stakeholders on successful experiences of mainstreaming ICTs.
- i) Encourage a series of related measures, including, among other things: incubator schemes, venture capital investments (national and international), government investment funds (including micro-finance for Small, Medium-sized and Micro Enterprises (SMMEs), investment promotion strategies, software export support activities (trade counseling), support of research and development networks and software parks.⁷

References to PPPs are scattered all over the document, but so is a commitment to human rights and calls for broader multistakeholder participation, working with Indigenous communities, using open-source software and community development, as well as recognition of the important role of civil society in achieving the WSIS goals.⁸

⁷ <https://www.itu.int/net/ws/is/docs/promotional/brochure-dop-poa.pdf>

⁸ Ibid.

If it was the 2003 Geneva Declaration of Principles and Plan of Action that built legitimacy for multistakeholder partnerships, it was the multistakeholder Working Group on Internet Governance (WGIG) that elevated the concept of multistakeholder internet governance to an aspirational ideal of a better, more effective way of approaching global governance. Mandated at the end of the first phase of WSIS by the UN Secretary-General, the WGIG explored how to approach the oversight, management and coordination of the internet and presented its report in Tunis at the conclusion of the second and final phase of WSIS.

Nitin Desai, the UN Under-Secretary-General appointed as chair of the WGIG, captures the sense of excitement in response to what was felt to be an opportunity to “get global governance right”:

I came to the task after spending over a decade managing the issue-based summits organized by the UN between 1992 and 2002. These summits came at a time when globalization was connecting national economies through production value chains, national cultures through the spread of global communications, tourism and migration and ecosystems through a vastly increased global flow of materials and energy. They required governments to look beyond their national interest to the broader interest of the human species. To a certain extent this was already happening in the global networks of non-governmental organizations for the promotion of human rights, women’s rights, environmental protection, development assistance, humanitarian relief, etc. These global communities of concern focused their analysis, actions and advocacy on their global interest. Their growing engagement in the great global summits altered the dynamics of the multilateral negotiating process by superposing issue-based advocacy on the usual interplay of national interest. But in the final analysis the governments remained in control and the non-governmental participants remained vocal, and sometimes strident, advocates rather than becoming consensus seekers.⁹

He continues by reflecting on how different WSIS was:

The Internet governance dialogue that I came to in the World Summit on the Information Society was very different. This was a case where the

Internet technical community negotiated the needed protocols and a set of private bodies managed the operations of the net. Governments (other than one) were left outside and were looking for a way of acquiring control or at least significant influence on public policy concerns. Whereas in the global summits that I had managed in the UN the political challenge was to persuade governments to give non-government organizations space in the process, in the Internet governance process it was the other way around. The private non-governmental network of technologists had to be reassured that engagement with governments and other stakeholders was necessary and useful.¹⁰

The WGIG also produced a working definition of internet governance which was endorsed by the UN General Assembly and is still used widely:

Internet governance is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.¹¹

While William Drake, a member of the WGIG, points out that this formulation was not unproblematic, he identifies strength in the expansiveness of the definition:

To reach agreement, the WGIG had to include the “respective roles” clause, which is logically extraneous but luckily paired with the “shared” clause. Even so, the working definition did usefully indicate that Internet governance is a process of steering via collectively recognized prescriptions and procedures, rather than an authority relationship; and that its scope extends beyond “critical Internet resources” like the root server system, names and numbers to encompass the range of shared mechanisms that shape both the Internet’s physical and logical infrastructures and their use to convey transactions and content. This broad and holistic approach framed the terrain in a manner that helped to unclench the definitional dispute.¹²

9 Desai, N. (2015). Preface. In W. J. Drake (Ed.), *The Working Group on Internet Governance: 10th anniversary reflections*. APC. https://www.apc.org/sites/default/files/IG_10_Final_o.pdf

10 Ibid.

11 Working Group on Internet Governance. (2005). *Report of the Working Group on Internet Governance*. <https://www.wgig.org/docs/WGIGREPORT.pdf>

12 Drake, W. J. (2015). Introduction: Why the WGIG still matters. In W. J. Drake (Ed.), *The Working Group on Internet Governance: 10th anniversary reflections*. APC. https://www.apc.org/sites/default/files/IG_10_Final_o.pdf

What has the multistakeholder approach meant for civil society in global communications governance?

The idea, contained in the WSIS Geneva outcome documents in 2003, that non-state actors have a role not just as practitioners in the development of the information society, but in decision making – which implies in policy making – was really quite revolutionary at the time. This formulation, together with the Summit’s subsequent endorsement of the idea of multistakeholder internet governance at its conclusion in 2005, has left a legacy of opportunity and ambiguity which continues to embody the hopes and fears of civil society groups who care about internet governance and digital justice.

The questions that civil society needs to reflect on in the course of the 20-year review of WSIS are summarised in the quotation at the beginning of this report: how to judge the Summit’s political and institutional legacy in terms of the role it played in the democratisation of global communication governance. This is not an easy task, as there is so much diversity at the level of civil society itself, in how the concept of “democratisation” is understood, and in internet and communications governance processes, which have grown exponentially in scope and scale.

At a big picture level, it is very difficult to assert that global communications governance has been democratised. It has expanded, there is more to govern, more role players and many more spaces where discussion and decisions take place. More governments take an active interest in global communication governance, particularly in cybersecurity, cybercrime and data. More civil society organisations pay attention and participate. Technical community engagement has also expanded, particularly at regional levels, even though their participation in global governance is usually focused on the technical management and coordination of the internet. Private sector participation grows and shrinks, according to the prevailing appetite for regulation in global forums. There is so much concentration of power in a few big internet-based companies that they are sometimes treated, even within the UN system, as being on a par with states.¹³

¹³ For example, the April 2024 zero draft of the Global Digital Compact, an annex to the Pact for the Future, the planned outcome document of the UN General Assembly’s Summit of the Future to be held in September 2024, calls on states and big tech to implement the Compact in a manner that debunks any notion anyone might have had of these companies being accountable to governments, or that governments should be holding these companies accountable for respecting human rights.

“More” does not equal “better” or “democratic”, but it can result in greater awareness and increased participation, and, for civil society, more participation holds the potential for deepening democratic deliberation.

Jeanette Hofmann, a political scientist who has studied multistakeholder internet governance with the benefit of hands-on experience through her active participation in WSIS and Internet Governance Forum (IGF) processes as part of civil society, provides a useful reality check in her paper “Multi-stakeholderism in Internet governance: putting a fiction into practice”. She points out that the political spectrum in internet governance, which is increasingly diverse, particularly among governments but also civil society, is “at odds with the basic idea of multi-stakeholderism, which assumes that political positions can be aggregated along the lines of formal affiliations.”¹⁴

Has the multistakeholder approach been used to deepen democratic deliberation and participation, or has it become a “brand” to give false legitimacy to processes?

To respond to this question, it is necessary to unpack what is meant by the concepts of “democratic” and “democratic deliberation” in internet governance, and the differences in how they are understood. For many governments, particularly those from the global South, the “democratisation” of internet governance rested on the process of “enhanced cooperation”,¹⁵ which for them implies states – on an equal footing

¹⁴ Hofmann, J. (2016). Multi-stakeholderism in Internet governance: putting a fiction into practice. *Journal of Cyber Policy*, 1(1), 29-49. <https://doi.org/10.1080/23738871.2016.1158303>

¹⁵ Enhanced cooperation refers to an increased, and more equal, role for governments in internet governance and public policy. It is included in the Tunis Agenda along with an endorsement of the WGIG definition and approach to internet governance, and the creation of the Internet Governance Forum as a platform for multistakeholder dialogue and debate on all things to do with internet governance. It has to be understood in the context of the vast differences between states in the degree of power and influence they have with regard to digital development, innovation and markets, as well as in decision-making processes pertaining to the internet. It is a contentious term, and has also been interpreted (often correctly, but not always) as being in opposition to multistakeholder governance and a desire by states to reduce the influence of the private sector, the technical community and international civil society in internet governance processes. However, as with multistakeholderism itself, there are a variety of views among governments who are still campaigning for enhanced cooperation. Some, such as South Africa, for example, support multistakeholder governance at national level, but oppose it at the international level, where they believe decisions should be made “multilaterally”, as in among governments.

– and intergovernmental organisations achieving more oversight and coordination of internet governance. For them, “democratic” equals “among states”, with decisions being made by the formal representatives of those states nominated to represent governments in international public forums. It is an understanding that assumes the intrinsic legitimacy of governments, and of their representation in multilateral (intergovernmental) bodies such as the UN and regional organisations like the African Union Commission. This understanding of democratic does not necessarily imply total exclusion of non-state actors, but it would see their role as limited to providing input, not participating in decision making.

Governments who oppose enhanced cooperation and who are firmly committed to multistakeholder governance of the internet, primarily those from North America and Western Europe, will therefore mostly avoid using the term “democratic” in the context of the internet. This lack of consensus among governments on how to approach internet governance has resulted, unfortunately, in “multistakeholder” often being used as an alternative term to “democratic” – ironically, usually by governments who consider themselves to be mature democracies.

Civil society – diverse as it is – does not have a single, common understanding of “democratic” internet governance and it is not uncommon to see a civil society document referring, aspirationally, to “multistakeholder and democratic governance of the internet”. This is further complicated by differences in how various civil society networks and movements relate to the legitimacy of the governments that claim to represent them, and the degree to which the positions that those governments put forward in international negotiations reflect the views and interests of civil society stakeholders at national level. Those in civil society who believe that states should be more empowered in global internet governance are likely to use only the term “democratic”, avoiding multistakeholder. And the opposite would be true for those in civil society who do not want to entrust the governance of the internet to states.

As with “democracy”, the concept of “multistakeholder” is also defined, and understood, differently in different contexts. It was initially used to emphasise the need for a multiplicity of perspectives and voices in the WSIS process, and there was a clear assumption in how WSIS negotiations took place that each stakeholder group referenced in the WSIS

documents was internally diverse. That is why, to use civil society as an example, input into the formal WSIS negotiations was facilitated by a “civil society bureau”, a group of nominated individuals with the respect of their peers who had to perform the complex task of trying to build consensus between hundreds of different organisations with as many priorities. Consensus was not always possible, particularly not during the second phase of WSIS when civil society meetings were overrun by large numbers of quasi-NGO delegates. Individual networks or organisations could still choose to release their own statements if they wanted to add to or disagree with a negotiated consensus position.

There is also an inherent tension between “positionality” and democratic deliberation. This is always complex, but can be more so in multistakeholder contexts. Global South civil society organisations are frequently in a position where, to promote human rights-based internet and communications governance in global forums and challenge authoritarianism, internet shutdowns and censorship, they oppose global South states and rely on the support of global North states. At the same time, however, and often in the same decision-making process, these civil society organisations would align with global South states against these global North states when the latter promote positions that marginalise the economic interests of global South countries and deny the legitimacy of the right to development and the need for development assistance. These tensions add complexity to civil society interaction with states and with other stakeholder groups in a multistakeholder context, but they also affect collaboration, coordination and sometimes even solidarity within civil society.

During WSIS, the idea of multistakeholder governance was fairly broad and homed in on process (as opposed to substantive decision making on particular topics) and it therefore easily acted as a unifier for most civil society participants – be they from the left, the centre, libertarian, or as was the case for many who prioritised ICTs for development, not particularly political. This changed after WSIS, and support for multistakeholder governance became an active divider. One need only look at the rise and fall of the IGF Civil Society Caucus mailing list (known as the IGC list). For many years after WSIS, it was a common space for diverse civil society voices from all over the world to debate, learn, plan and collaborate.

As a result of this ideological loading of the multistakeholder approach, the question of whether it has deepened democratic deliberation is often overlooked. One is either for multistakeholderism or against it.

I would argue that multistakeholder approaches have, in many instances, definitely deepened democratic deliberation through introducing a wider and often divergent set of perspectives into a policy discussion. For APC and Rhizomatica, for example, their work in supporting community-centred connectivity provision through the Local Networks initiative (LocNet)¹⁶ has benefited enormously from working with a multistakeholder approach. By bringing together techies, regulators, policy makers, international intergovernmental organisations, community organisations, researchers, feminists and operators, an analytical, political and operational methodology evolved that enriched policy formulation and implementation. This has enabled LocNet to be more effective in supporting the building of empowered community networks that meet community needs through providing locally managed meaningful connectivity.

Another example of deepening democratic deliberation has been multistakeholder engagement on bias in content moderation by social media platforms. It is only through direct engagement with these companies that digital rights activists are able to effectively understand when, and how, the platforms' commitment to human rights is constrained by their business models. And, by the same token, such deliberation can reveal whether government efforts to address harmful content are motivated by the desire to restrict, control or enable freedom of expression. In traditional non-multistakeholder contexts, governments, regulators and companies would negotiate agreements on content moderation without the participation of civil society, thus making it harder for civil society to play the role of holding both the state and the private sector accountable. Even if civil society does not achieve the outcomes it wants from such a process, the learning and relationship building it enables is valuable in the longer term.

But there are six factors that are absolutely critical when considering whether, and how, multistakeholder approaches can deepen democratic deliberation:

- Design and execution: The extent to which a multistakeholder process deepens democratic deliberation is a function of how well it is designed and executed, *not* of whether it is multistakeholder or not.
- Power, politics and interest: Multistakeholder processes are as political as any other type of process. Politics and vested interests always play a role. It is only by actively analysing and confronting power dynamics that these processes can contribute to deepening democratic deliberation, and, ultimately, contribute to policy outcomes that serve the public interest effectively. This links back to design. If multistakeholder processes are designed in such a way that they gloss over power, politics and interests, they will not only fail to deepen democratic deliberation, they can undermine it.
- Consensus should not be a required indicator of success: There is a common but false assumption that all multistakeholder processes have to achieve consensus. Consensus can be a successful outcome, but should not be forced. Surfacing differences in interests and objectives, in a transparent manner, is usually one of the most useful outcomes of an effective multistakeholder process.
- Applying the multistakeholder approach in a “fit for purpose” manner: Multistakeholder participation and deliberation are not the same as multistakeholder decision making. There is a tendency to use the concept of multistakeholder quite loosely, without distinguishing between how it is used in different contexts. For example, if legislation is being developed that would require companies to comply with it, having their input into its development is essential for the lawmakers and regulators to get a sense of what the possible impact can be, where compliance will have to be forced rather than encouraged. It would also be important to get input from civil society on the potential implications of this regulation on human rights, from small businesses on what it could mean for market conditions that can affect them, and from the research community on evidence of how similar legislation has had positive or negative consequences in other contexts. All this constitutes multistakeholder participation and deliberation. If done well, this will be considered, transparently, in the draft legislation which is developed by the concerned

¹⁶ <https://www.apc.org/en/project/connecting-unconnected-supporting-community-networks-and-other-community-based-connectivity>

authority, and this draft itself will then again be opened for public, multistakeholder input. But the ultimate decision will rest with the lawmakers. In other instances, however – for example, in the Internet Corporation for Assigned Names and Numbers (ICANN) – the decision-making process itself is multistakeholder.

- Multistakeholder “groupism”: Multistakeholder groupism (or “multistakeholdergroupism”) is a critical term coined by Avri Doria, a member of the WGIG and a veteran of multistakeholder internet governance. She defines it as the organisation of multistakeholder modalities based on predefined groupings in a manner that is delinked from their interests, or how they are affected by a process.¹⁷ It weakens and perhaps even “cheapens” meaningful multistakeholder participation. There is as much diversity within each so-called stakeholder group as there is between them. Assumptions that all businesses are the same, or that the policy positions proposed by big tech reflect those of smaller or regional companies, are false. Multistakeholder groupism is not an effective application of the multistakeholder approach. However, that is not to say that there is no room for constituencies or separate group processes in a multistakeholder process.
- Spaces for individual stakeholder groups to convene as part of a multistakeholder process can deepen democratic deliberation: A multistakeholder approach can include spaces where the multistakeholder “whole” splits into different stakeholder constituencies or groups. This gives those specific stakeholder groups the opportunity to review the process, and revise their input into it. For civil society such moments can be particularly important as they tend to represent such a diverse range of interests and regions.

Has the multistakeholder approach played out differently at the national, regional and global levels and what has this meant for civil society?

Yes, very profoundly. It is a lasting legacy of WSIS that more governments initiated public participation in internet governance

and communications policy and regulation in compliance with the WSIS principles. The emergence of national and regional IGFs has created the expectation of – and facilitated – partnerships in internet and ICT development, policy making and regulation. Civil society organisations and small and medium-sized businesses that were previously excluded from any opportunity to be heard in policy shaping increasingly have the opportunity to interact with, on a relatively equal footing, governmental officials and regulators and larger internet and ICT businesses, as well as research and technical organisations.

At national and regional levels, the multistakeholder approach to deliberation on policy matters can enable both confrontation and collaboration between stakeholders. For example, a national multistakeholder hearing convened by parliament or a regulator on the cost of connectivity creates the opportunity for civil society to confront MNOs with the evidence of the harmful impact on poor communities of their pricing structure. Individuals from those communities can speak out directly, addressing policy makers, regulators and companies, and, importantly, do so in the presence of the media. If the process is well facilitated, it may not only produce the regulation on pricing that civil society asked for, it could also lead to support from regulators and MNOs for those same civil society organisations in a subsequent hearing on creating licences for community networks.

The UNESCO Internet Universality Indicators¹⁸ is a proven multistakeholder approach to assessing national internet contexts from the perspective of how it addresses rights, openness, accessibility, multistakeholder participation and gender equality (based on the R.O.A.M. principles). Using this approach creates the opportunity for civil society to raise concerns, based on evidence, directly with governments.

Codifying multistakeholder internet governance through legislation, as was done in Brazil through the *Marco Civil da Internet* (Civil Rights Framework for the Internet),¹⁹ helps to create more transparency at the level of how companies influence policy by requiring them to use the established multistakeholder mechanism created for the purpose.

At global level it has been more complex. In the UN system, for example, nominal endorsement

¹⁷ Doria, A. (2015). The WGIG and the technical community. In W. J. Drake (Ed.), *The Working Group on Internet Governance: 10th anniversary reflections*. APC. https://www.apc.org/sites/default/files/IG_10_Final_0.pdf

¹⁸ <https://www.unesco.org/en/internet-universality-indicators>

¹⁹ <https://itsrio.org/en/projetos/brazils-internet-bill-of-rights>

of the multistakeholder approach has tended to increase the influence of corporations and decrease that of civil society. Multinational companies have the resources to dedicate personnel to UN agencies and processes, which means they have frequent and direct access to government delegations. They have legal and policy experts that analyse documents, resolutions and proposals and pursue advocacy to prevent decisions that could harm their interests.

Civil society, on the other hand, is increasingly limited to observer status in intergovernmental negotiations, if at all. Spaces that have been created for civil society “major groups” are well attended, with one group after another delivering statements on whatever issue is being discussed. However, member states do not participate in these spaces. They do not interact with, debate or respond to civil society input. This is what was so unique about WSIS, and it established a tradition of direct interaction and deliberation between stakeholders that the IGF has continued, at the global, regional and national levels.

This is not to say that civil society is powerless. It can raise concerns, build coalitions, protest, use evidence and lobby government delegations. Many government delegations include individuals from civil society as well as from business and the technical community. But its influence is indirect, and it constantly has to fight for recognition of the importance of its role in holding governments and companies accountable to international law and agreements.

Action steps: Civil society and the multistakeholder approach in the post-WSIS+20 context

Looking ahead, learning from experience and trying to anticipate future challenges, this report wants to leave civil society with some questions and suggestions to consider.

Engage frankly and openly on the risks and potential of the multistakeholder approach

During WSIS, civil society was, at one point, divided between those who wanted to campaign for new communications rights, and those who felt it was more prudent to focus on demanding that existing rights enshrined in international treaties (such as the right to development, economic, social and cultural rights, civil and political rights, and the rights of people with disabilities) be applied in the

context of the internet. Consensus was achieved, more or less, at the time. Initiatives such as the APC Internet Rights Charter²⁰ and the Brazilian Internet Steering Committee’s Principles for the Governance and Use of the Internet²¹ evolved into the IGF’s Internet Rights and Principles Dynamic Coalition. Later, APC – working through UN human rights mechanisms and with governments (notably Sweden), private sector entities and many civil society partners – succeeded in its campaign to have internet rights recognised as human rights with the pivotal Human Rights Council resolution in 2012 that recognised the internet as an enabler of human rights and established that the same rights that apply offline also apply online.²² This has really made a difference, as it created a common framework for holding states and private actors accountable for upholding rights – and it was a multistakeholder and multinational effort.

Currently, global South civil society working for social and economic justice generally views the multistakeholder approach as institutionalised capture by large multinational internet companies. This is a real risk, particularly in the UN system where it coincides with the UN’s financial crisis, which elevates the need for private sector financial support.

But corporate capture is always a risk. Its manifestation that has the most profound impact on social justice is when companies engage governments directly, shaping public policy and investment in a very hands-on manner. This is not an unusual occurrence.

Does the multistakeholder approach enable this? Do big tech companies, or for that matter other big multinationals, need multistakeholder approaches to promote their interests? Can the multistakeholder approach actually help to create more transparency and expose dealings driven by vested interests by engaging a greater diversity of businesses, particularly at the national level, who are struggling to compete with global big tech? It is important to remember that big business had seats at government tables long before any notion of civil society participation was conceivable. What is new is the possibility of civil society seats.

Several other questions are worth asking in this context. There is also an assumption that the multistakeholder approach is institutionalising the

²⁰ <https://www.apc.org/en/pubs/about-apc/apc-internet-rights-charter>

²¹ <https://cgi.br/principles>

²² <https://digitalibrary.un.org/record/731540?ln=en&v=pdf>

dominance of global North governments over the voices and interests of global South states. Is that always the case?

How can civil society in the global South effectively challenge structural inequality and injustice emanating from the global North (for example, in how international financial mechanisms operate), while also holding their own governments accountable for investing in people, local capacity and resilience, and respecting and promoting human rights?

What can civil society in the global South do to encourage global South states to collaborate with them, consistently, on the basis of mutual respect and common economic justice goals, in global negotiation processes? Can global South governments be relied on to promote the interests of civil society if they have common concerns on countering the power of big tech?

Give one another the benefit of the doubt: Different strategies and tactics do not have to fracture an already fragile civil society sector

We know that civil society is at its most effective when it works together, across borders and across issues. There are substantial differences in values and proposed solutions within civil society, but don't assume that this implies "evil intentions"; for example, that civil society activists who care about individual human rights have "sold out" on social justice issues, or that organisations who support the positions of authoritarian governments in global forums (e.g. on trade) do not challenge these same governments in other spaces.

By listening, learning and understanding, civil society analysis and practice can be strengthened. Debate and disagreement are essential, but so is respect for one another's priorities. *Real* differences in goals, objectives and values, on the other hand, should be acknowledged and are not a good basis for collaboration.

Recognise the value of learning from, and collaborating with, people and institutions from other stakeholder groups

Alignment in positions among different stakeholder groups exists, particularly at national level, but also globally. Civil society should be more open to finding common ground with private sector entities and the technical community. There are companies that believe in environmental justice and some whose commitment to human

rights is reflected in their business models, not just in their rhetoric. Many, of all sizes, are truly committed to sustainable local economic development. They can benefit from the experience, analysis and policy expertise found in civil society. Civil society can benefit from their management skills and tools.

Connect with the technical community! Civil society organisations who care about building autonomous infrastructure and services that are safe, secure and not reliant on multinational big tech companies should reach out and partner with individuals and organisations who identify as part of the technical community. Don't make assumptions that they are apolitical, or uncritical of the status quo, simply because they wear different T-shirts and speak a different language. APC would not have achieved what it has in strengthening community-centred connectivity provision without partnering with the Internet Society and many individuals who identify as being part of the technical community.

In many cases, different stakeholder groups only discover that they have common interests late into a negotiation process, by which time it is too late for them to form an alliance that could have strengthened their chances of victory.

There are numerous instances where timely collaboration between business, consumer rights and human rights organisations, social justice activists, techies and communities could have contributed to "better" policy and implementation outcomes.

Build multistakeholder coalitions around emerging issues

Artificial intelligence (AI) is not at the top of this author's priorities. AI is an old issue which, not inappropriately, is attracting concern because it demonstrates how shortsighted humanity has been in its approaches to tech innovation and governance. Tech innovation needs to become far more accountable, applying the precautionary principle and assessing the social, human rights and environmental impacts before roll-out.

The greatest priority is caring for our planet and the sustainable livelihood of the people and other living creatures who live on it. Collaboration between civil society, innovators, engineers, governments and businesses is the only way to counter the seemingly unstoppable tendency to solve problems created by unsustainable consumption and growth with even more

unsustainable consumption and growth. This needs carrot and stick approaches, bottom-up solution building, and at times top-down regulation. It needs creativity and change – the kind of change that has to emerge from multiple directions, that has to be nurtured, and enforced.

Only relying on states, and the traditional model of states creating enabling regulation, and compelling non-state actors to comply with this regulation, is not going to be sufficient. In contexts where states lack the will or the capacity, it is impossible. Multi-pronged solutions and approaches, particularly ones that are developed and enforced in a bottom-up manner with the participation of people affected by the specific problems being addressed, has to be part of building a different way of living, working, governing and doing business. Direct constructive, critical, collaborative and sometimes confrontational engagement with other non-state actors is unavoidable. How civil society navigates this engagement is likely to determine how effectively it is able to have agency and influence and achieve its social justice and sustainable development goals.

Continue to interrogate and strengthen governance through critical thinking and by developing norms, principles and methodologies for participative, accountable governance, including for the multistakeholder approach

Different public interest-oriented processes, based on what they are trying to do, will need different methodologies. Some principles apply across the board, such as being inclusive, making information available about a process to all who will participate in it, facilitating participation and documenting outcomes. Other aspects, like the choice of language, location or the structure of the agenda, will vary. There is no perfect design. What matters is taking design seriously, but not so seriously that it depletes a process of its purpose and politics.

The title of this report asks whether the multistakeholder approach is a cornerstone or Achilles heel of internet governance, or whether it is just “fake news”. Jeanette Hofmann refers to it as a kind of “fiction” rooted in the idea that it is a “panacea to cure the well-known shortcomings and gaps of transnational governance.” She describes the multistakeholder concept as “a discursive artefact that aims to smooth contradictory and messy practices into a

coherent story about collaborative transnational policymaking” – a story with the characteristics of a romantic plot, hoping for a happy ending. But she points out:

The fictional quality of the concept does not imply that the tale is out of touch with the real world, or that organisations are just pretending to follow the multi-stakeholder approach. On the contrary, they are struggling to accommodate and implement its goals.²³

For civil society, this is not fake news, and the continued effort to strengthen governance has been and continues to be a cornerstone of its work for an inclusive, open, fair and rights-oriented internet that contributes to social and economic justice and sustainable development. If believing that the multistakeholder approach can strengthen governance is a kind of fiction, it is one that is connected to the belief that “another world is possible” – a belief which itself is not a fiction, but rather an imaginary aspiration based on concrete analysis of the world we live in now.

Jeanette concludes with a message that is both positive, and cautionary:

[F]ictions are by no means intrinsically static. They emerge in, and adapt to, specific contexts; even their basic messages are open to debate and change. Because fictions have a history and always compete against other fictions they encourage critical reflection. Thus, there is [a] problem when this critical reflection no longer takes place, or is only tolerated at the fringes, and when fictions become static and begin resembling a religion. In this spirit, a measured “desecration” of the multi-stakeholder approach in Internet governance which could facilitate a debate about achievements, failures and its reasons would be a positive effect.²⁴

²³ Hofmann, J. (2016). Op. cit.

²⁴ Ibid.

WSIS+20: REIMAGINING HORIZONS OF DIGNITY, EQUITY AND JUSTICE FOR OUR DIGITAL FUTURE

Twenty years ago, stakeholders gathered in Geneva at the first World Summit on the Information Society (WSIS) and affirmed a “common desire and commitment to build a people-centred, inclusive and development-oriented Information Society.”

This special edition of Global Information Society Watch (GISWatch) considers the importance of WSIS as an inclusive policy and governance mechanism, and what, from a civil society perspective, needs to change for it to meet the challenges of today and to meaningfully shape our digital future.

Expert reports consider issues such as the importance of the historical legacy of WSIS, the failing multistakeholder system and how it can be revived, financing mechanisms for local access, the digital inequality paradox, why a digital justice framing matters in the context of mass digitalisation, and feminist priorities in internet governance. While this edition of GISWatch asks: “How can civil society – as well as governments – best respond to the changed context in order to crystallise the WSIS vision?” it carries lessons for other digital governance processes such as the Global Digital Compact and NETmundial+10.

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