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

CGI.br's comments to the proposed IGF Plus model

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INTRODUCTION

The Brazilian Internet Steering Committee (CGI.br) congratulates the Internet Governance Forum (IGF) for opening the opportunity of presenting comments regarding the cooperation mechanisms proposed in the Report of the UN Secretary General's High-level Panel on Digital Cooperation. As a multistakeholder entity, we support the IGF as a valuable forum for the discussion of "public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet", as mandated by the Tunis Agenda, promoting cooperation among different actors in a global perspective. We are committed to contribute to the improvement of this Forum, by proposing that the IGF should have its mandate enhanced and turned into a permanent and more results-oriented digital cooperation mechanism, provided with adequate institutional support, funding and staff to be in pace with the current trends and issues of the Internet.

GENERAL RECOMMENDATIONS

Our general recommendations to improve the current existing frameworks for digital cooperation are:
* **It is important to reinforce that some of the aspects presented both by the UN HLPDC report and by our comments have already been envisioned by the Tunis agenda**, e.g. Paragraph 73, which proposes means of collaboration between the IGF and other Internet-related fora. Therefore it is important to uphold those principles and seek to effectively deploy previously envisioned processes within the IGF.
* **The IGF arena must be framed as a permanent digital cooperation mechanism**, in a way that broader and also more specific permanent tracks could be strengthened and reinforced, so as to build processes and approaches that could produce more tangible and appropriate outcomes. Dynamic coalitions, best practice forums and other ad-hoc or new tracks to be created should have a leading role in the overall scope of activities, whereby the annual event's program is a very important space but not the sole goal of the IGF.
* **The Internet Governance ecosystem and the digital environment in a broader sense follow a fast changing dynamic, and it is difficult to keep all their elements in the same pace.** It is important not to frame this environment solely in a fast speed and results basis, in which time must be leveraged to unreasonable limits in search for concrete outcomes. At the same time, it is not useful to have a model that may not provide the community with concrete outcomes due to a lack of clearly specified procedural rules for the multistakeholder model put in place. **It is necessary to find a**

balance between, from one side, demands for participation, representation and diversity, and from the other side, rules, norms, work plans and clear terms of reference that help the model to reach the goals sought by the ongoing proposed review process.

- Before any action is taken towards a new IGF structure, it is necessary to perform an **in-depth analysis that could identify the current gaps as well as the activities and actions requiring the creation of new structures**, so as to guarantee that these structures will really offer solutions to the identified problems.
- A key element to improve the overall structure is to **identify the main gaps related to financial and human resources**. All these discussions around the possible renewal of the IGF arena demand a realistic solution in terms of funding these structures, so as to provide a more robust support to all the activities that have been envisaged.
- With all those aspects finally tied up, the model must move forward to establish strong links between the several different tracks and structures, both internal and external to the IGF, fostering more communication, collaboration, cooperation, engagement and participation.

SPECIFIC COMMENTS

Section 1

In order to "support a multistakeholder 'systems' approach for cooperation and regulation that is adaptive, agile, inclusive and fit for purpose for the fast-changing digital age", **it is crucial to prospect and map all the ongoing arenas and frameworks that could collaborate with the evolution being discussed**. Bearing in mind the increasing global interdependence in digital developments, it is important that the IGF arena connect to other multiple different global Internet-related fora, so as to receive inputs from them at the same time that it provides inputs to the others. Additionally, the IGF could advance its role of an umbrella arena, where all the other initiatives convene to discuss digital developments.

Improvements to the IGF Plus model
The proposed IGF Plus model, with the new associated mechanisms (especially Cooperation Accelerator and Policy Incubator) **is appropriate to play an umbrella role. We suggest minor improvements to the presented proposal**, such as the following:
- Develop **outreach and engagement activities** in different places, especially in under-served and under-represented regions.

- Create and maintain **collaboration networks worldwide**. Building on existing networks and stakeholders, it is necessary to strengthen them and leverage their scope and actions in order to achieve more people and organizations.
- Identify and engage **local, regional and global leaderships, which are the key actors to make policy efforts possible**, such as NGOs' leaders, relevant experts, industry evangelists, as well as legislators and policymakers.

Those measures would be enabled by the **deployment of a more robust secretariat team, with adequate and stable funding**, for example in hiring global senior policy advisors that could articulate the other envisioned new structures besides the Advisory Group (Cooperation Accelerator, Policy Incubator, Observatory and Help Desk).

Fundraising
New and different forms of fundraising for the IGF must be permanently sought so as to ensure availability of more and varied sources for funding. It is necessary to pave the way for new partnerships – including sponsorships and their counterparts – **with governments, private sector stakeholders and others that could collaborate with not only direct financial contributions, but also in-kind contributions**. If more actors agree to support participants from same local contexts, it would be possible to have a more balanced distribution of the costs involved, such as in funding programs like Youth@IGF in various countries and regions. A more substantial comment about funding can be found in the respective Section 2 comment.

The establishment, maintenance and review of cooperation networks are a permanent and continuous effort that needs to address different principles and values, as well as foster the multistakeholder participation. These efforts must endure, in order to strengthen those networks, in a way that stakeholders become more and more prone to collaborate. Beyond that inexorable characteristic, **it is indispensable that those processes are backed by adequate structures, with both human and financial resources.**

A possible architecture for Global Digital Cooperation
The Internet Governance Forum is approaching its 14th edition. While the HLPDC report offers a fair overview of the current ecosystem, along with some proposed new mechanisms for digital cooperation, it lacks more detailed information and links between the existing problems and the potential solutions that the new proposed structures could bring. We believe that there is a need for a more in-depth analysis that can establish stronger links between the gaps identified in the IGF arena and the solutions proposed

with the creation of the new structures in the context of the IGF Plus model. So, it will be useful to leverage previous and current analysis to set the scene for those new structures. There is no guarantee that the solutions proposed within the IGF Plus model will solve the historically appointed problems of the current IGF arena. As the changes are quite audacious, it is necessary to be more specific in tackling the problems and solutions.

Soft governance mechanisms

It is necessary to bear in mind that soft governance is already in use in different Internet Governance arenas, with multi-stakeholder participation. It is not clear to us what is exactly sought for the soft governance mechanisms within the IGF Plus model, in terms of stakeholder engagement and the creation of new structures. As previously mentioned, it is useful to equalize the current structures and arenas with the new structures being proposed, so as to leverage the ecosystem to advance participation and obtain more solid outcomes.

Despite the importance of soft governance mechanisms, it should not be disregarded that they are usually backed by stronger institutional and legal environments, which may collide with innovative solutions. It must be also recalled that soft governance solutions have been very successful mainly in technical contexts. The success of this model on non-technical, controversial issues, whose solution may be very dependent on local cultures and laws, such as privacy, hate speech, disinformation, freedom of expression, and regulation of platforms, remains to be achieved in a broader scale and depends on a strong commitment by governments and private sector, whose participation in the IGF context still need to be strengthened. Initiatives like the Internet & Jurisdiction policy network and the Global Commission on the Stability of Cyberspace are mostly welcomed and must be connected to the IGF Plus context.

Holistic "systems" approach

With regards to the proposed "pilot zones", we consider that it may not be feasible, given that it is not possible (and not even desirable) to have control over the actions of multiple different jurisdictions worldwide. Instead, it is more fruitful to build and strengthen collaboration and cooperation networks that could help harmonize different local institutional realities. Therefore, it is possible and desirable to design models, frameworks, and umbrella policy guidelines for different subjects, but if countries will implement and how they will do it are consequences entirely under their own scope of decision. Furthermore, those proposals should address only very general guidelines and principles that may be universally acceptable. Moreover, given the cross-border nature of digital environments, the proposed regulatory sandboxes and trial periods need to take into

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account specific local characteristics that could pose different constraints and challenges to the proposed tests.

The Global Commitment for Digital Cooperation

This proposal for a Global Commitment for Digital Cooperation seems reasonable and very promising, and we support it. An effort of this scope, under a broad agreement tailed by the UN, would bring great legitimacy to a specific set of norms and possible actions to be spread worldwide. It is important that such an effort is based on an overarching multistakeholder process, based on consultations to the community, besides establishing clear guidelines, goals and time-frames for them to be achieved. This Global Commitment should serve as a guideline for other organizations acting on the Internet governance space, such as UNESCO, WTO, WIPO and ITU. Similarly to the SDGs, it could define goals on overarching issues, such as privacy and data protection, (mis)(dis)information, ethics in Artificial Intelligence solutions, multistakeholder participation, and so on.

UN Tech Envoy

The idea of a UN Tech Envoy is welcomed, as this would give visibility and leadership to the IGF Plus ecosystem. But the role of the Tech Envoy with regard to the several structures of the IGF Plus architecture (Advisory Group, Cooperation Accelerator, Policy Incubator, Observatory and Help Desk, besides an empowered supporting secretariat) would need to be clearly established, as the whole architecture would need to operate in a very cooperative and seamless way.

In a context of global digital cooperation that must necessarily follow the **multi-stakeholder** model, it is important to seek consensus and avoid letting the Tech Envoy put forward an agenda in a top-down way.

Section 2

Funding

Funding affects all structures proposed for the IGF Plus (Advisory Group, Cooperation Accelerator, Policy Incubator, Observatory and Help Desk)**, and there are several possible models to fund the IGF**. We consider that it will be probably more effective to have a mixed approach, putting together different sources to build a structure that could enable some predictability for organizing activities. This is a core issue to be tackled, so as to make all the proposed structures feasible to be deployed.

First of all, it is necessary to set permanent funds coming from the UN and try to leverage this source. Additionally, new sources of dedicated and permanent funding, especially in partnership with governments and international organizations, should be prospected. Other than that, the Trust Fund must be reinforced by new, different sources of contributions coming from large companies and organizations or even SMEs and individuals. While the permanent activities have to be ensured by regular funding from the UN itself and from permanent contributions from governments and organizations, other special projects and tracks may depend on additional funding coming from the Trust Fund.

A dedicated and professional fundraising structure is essential to improve the financial support to the IGF. Fundraising can not depend exclusively on voluntary efforts by the MAG Chair and/or MAG members.

Improving participation from specific stakeholder groups
Where the report raises the possibility of establishing specific sectoral discussion tracks to solve the problem of low participation of governmental and private sector stakeholders, it is important to note that the proposed tracks to be created would not necessarily solve the problem of low participation, nor the imbalances on the number of participants when we consider the different stakeholder groups. Despite several possible hints of what make governments and business representatives avoid a more engaged participation in IGF-related discussion arenas, an in-depth analysis of this issue should be more appropriate to provide the community with sufficient information that could guide further actions.

Multistakeholder Advisory Group
The current MAG composition already represents a very adequate diversity of stakeholders, in terms of stakeholder groups, geographical regions, gender, and perspectives. The UN is also open to receive suggestions of names from the various stakeholder groups. We do not have any major concerns with regards to the current composition and modes of nomination of MAG members. Still, we believe that some relevant improvements could be made:
- More transparency could be given to the members' and chair selection processes;
- A more robust structure to support the MAG's work should be provided;
- A clear mandate for short, medium, and long-term agendas building on community inputs should be set; and
- Sufficient financial support should be allocated for enabling members' participation in different activities, going beyond the IGF annual event and the MAG physical meetings.

Additional changes should consider:

- **The expansion of the MAG mandate**, moving forward beyond the IGF event program, for discussing substantial topics and setting long-term agendas; and
- **The collaboration in other tracks and structures of the IGF Plus architecture** to engage with different stakeholders, contribute in the discussion of policies and norms, and enhance network collaboration. In this sense, there seems to be a close relationship between the AG and the Cooperation Accelerator, which would need to be cleared.

Regarding "the concerns that these proposals may be considered going beyond the original IGF governance structure and mandates", we consider that going beyond the original mandate and structure is not necessarily a problem, given that the development of both technology and society are imperatives for the revision and evolution of governance models. **This evolution is actually in line with the paragraph 73b of the Tunis Agenda, which subjects the IGF structure to periodic review.** If it has been identified that some frameworks are obsolete or pending improvements, this issue must be taken into account accordingly, so as to examine it carefully and make the proper improvements to the model. **More specifically, it is fair and reasonable to consider a change on the IGF mandate, or even a more explicit implementation of practices already envisaged by the Tunis agenda**. In particular, the IGF mandate already indicates that it could make recommendations, where appropriate, but this has never been put forward in practice, mainly for a lack of interest of certain stakeholder groups. Anyway, the UN will need to modify the language of the IGF mandate, so as to accommodate the roles that are envisaged for all the structures that come together with the IGF Plus model: the Cooperation Accelerator, the Policy Incubator, and the Observatory and Help Desk.

Cooperation Accelerator

Membership in the Cooperation Accelerator, besides representation from major digital events, as already suggested, should also include representation from relevant international organizations, both intergovernmental and non-governmental, that are actively engaged in various issues directly related to digital governance. This includes organizations such as the ITU, WTO, WIPO, UNESCO, WEF, as well as other UN system bodies and global scope organizations. Furthermore, representatives from BPFs, Regional IGFs, global Youth IGF initiatives and DCs should also participate in Cooperation Accelerator activities, even if in an ad-hoc manner.

It is our view that the Cooperation Accelerator should have both a passive role, coordinating the convergence of efforts as demanded by the community, as well as an

active one, investigating possible interactions and reaching out to relevant entities and major events.

In any case, the Cooperation Accelerator shall work in close coordination with the other structures of the IGF Plus, namely Advisory Group, Policy Incubator and Observatory and Help Desk. They should be together under the umbrella of a same coordination structure, with clear leadership, and supported by a common secretariat, with adequate and robust funding. Clear limits for the mandate of each of these structures are needed, so that their activities do not overlap and gaps are neither created nor intensified.

Policy Incubator

It seems to us that it is inevitable to think of the Policy Incubator as a structure that will demand a solid and active secretariat to support its activities. It is rather possible that the Policy Incubator has a permanent global structure, followed by members assigned with specific mandates, and also ad-hoc members for special tracks and on-demand working groups. Additionally, it goes without saying that **NRIs are very relevant structures that could become necessary seeds for the envisioned Policy Incubator structure**, as they could be used as privileged sources of experts and interested stakeholders that will help forming the specific subsets of people dedicated to advance policy issues. In any case, the Policy Incubator shall work in close coordination with other IGF Plus structures.

Active, engaged and committed participation of governmental and private sector stakeholders in the Policy Incubator would be essential for its success. The lack of more tangible outcomes from the IGF, among other reasons, and despite the fact that its mandate already suggests it could make recommendations, is also due to a low interest of governments and private sector in producing recommendations in this specific context, as they seem to prefer other more focused and last-mile tracks, where they have a more well-delimited role, than in open and less structured discussion arenas, as the IGF. If this basic problem is not adequately tackled within the new IGF Plus architecture, the proposed new model will not be helpful to solve the current ecosystem drawbacks and able to attract more participation from the mentioned sectors.

The current BPFs and DCs are of great interest in this sense, because they must be reinforced and leveraged in order to take advantage of the positive aspects of the IGF ongoing structure. They could be leading policy groups to be adapted inside the proposed structure for the Policy Incubator, guiding task forces (or working groups) that shall be created ad-hoc to discuss concrete issues and propose recommendations. The NRIs could work as the main nodes of knowledge production, relevant sources to seek experts, and

privileged arenas for public debates in a local scope. NRIs could be the local basis for the Policy Incubator structure to prospect issues, experts and solutions for specific problems.

Observatory and Help Desk

The major part of the overarching roles envisioned for the Observatory and Help Desk could be handled under the auspices of the Observatory and other previous discussed structures inside the scope of the IGF Plus. Particularly, "coordinate capacity development activities provided by other organizations" seems to be less related to the Observatory scope and could ideally be conducted by the Cooperation Accelerator, in close coordination with the Advisory Group. "Collect and share best practices, and provide an overview of digital policy issues, including monitoring trends, identifying emerging issues and providing data on digital policy", instead, is a clear activity to be undertaken by the Observatory, and it will also be a relevant information source to base the actions of other parts of the structure (Policy Incubator, Cooperation Accelerator, Advisory Group). With regards to the policy advice, whenever it is the case to provide that, it could be a role assigned to other structures of the IGF Plus model, such as the AG and CA, especially through high quality documentation and outreach and engagement activities.

On the other hand, it seems to us that the idea of a Help Desk may present some doubts with regards to the deployment, maintenance and even the mandate of the structure(s). This might have been caused by the "Help Desk" name, but it is probably useful to streamline it more cautiously. Given the roles proposed for the so-called Help Desk, it seems that they have less to do with a help desk and are probably more related to activities of a secretariat and/or a dedicated capacity building structure. In the form presented, it does not seem feasible within the IGF scope, given the required structure to properly enable it and the constraints involved with the diversity and multiplicity of actors in the Internet Governance global ecosystem. Even the implementation of regional Help Desk offices, as mentioned in the "Recommendation 2", presents challenges to become consolidated, as they could collide with previous existing organizations and government bodies. It is also necessary to make it clear which will be the approached organizations to help "crisis situations" and influence "drafting legislations" processes, and guarantee that they will be adequately aligned with local realities and diversity, as well as with overarching principles and best practices. At the same time, it is important to acknowledge that, although proposals of general norms, guidelines and principles should be sought as outcomes of international cooperation mechanisms, uniform visions about the implementation of Internet policies is not always desirable, given that global consensus feed local processes, but with in-depth analysis and adaptation to local realities.

The proposed Observatory may strengthen the links between local and global levels, but it must be highlighted that there is already a process of constant feedback already put in place within the NRIs' activities, coordinated by the IGF secretariat, and it must be considered in this new arrangement. It consists of permanent and periodic reporting from NRIs so as the IGF secretariat can update information in different tracks. This could be an important resource to enable the proposed Observatory to partner with more stakeholders, from different realities and locations, in a collective knowledge building process. It is possible to think of some examples of potential digital tools to help set up this common base in a huge alliance, perhaps through a model of spread nodes and experts that feed a central database (the core of the proposed Observatory). In this regard an example of best practice would be the "Friends of the IGF" project, that offers an online environment that enables multiple spread initiatives to feed the database with their own information.

Intersessional activities from across the IGF community also have a role on the Observatory and Help Desk. When it comes to plan a so-called Observatory, any other structure that can provide it with high quality and updated information about different IG processes and policy agendas worldwide will be of great interest to enable and strengthen the initiative. As already mentioned, the NRIs are especially welcomed as sources of information, experts and different kinds of updates that will establish the bases through which the Observatory will operate.

Intersessional activities
Intersessional activities and tracks may work as thematic or outreach nodes to the Cooperation Accelerator efforts. In this sense, the CA could seek collaboration in these spaces, that could be thematic, in the sense of widening discussions and public debate on some specific issues, along with technical and conceptual efforts involving a wide range of stakeholders. They could also serve as political and articulation nodes, as the CA could bridge gaps through close collaboration with local, regional and global leaderships in those tracks. Additionally, these intersessional activities could also demand the Cooperation Accelerator for technical cooperation and for technical and administrative support.

As presented on our general recommendations, dynamic coalitions, best practice forums and other ad-hoc or new tracks to be created should have a leading role in the overall scope of activities, whereby the annual event's program is a very important space but not the sole goal of the IGF.