IGF 2016 Workshop Report: Workshop 243

Session Title	Accountability in Internet related policies
Date	8 December 2016
Time	10:15 am - 11:55 a.m. CST
Session Organizer	Shin Yamasaki
Chair/Moderator	Scholte, Jan Aart (University of Gothenburg)
Rapporteur/Notetaker	Shin Yamasaki
List of Speakers and their institutional affiliations	Carvell, Mark (Department for Culture, Media & Sport, United Kingdom) Githaiga, Grace (Kenya ICT Action Network) Kinoshita, Tsuyoshi (Internet Association Japan) Sanchez, Leon (A law firm in Mexico/ICANN CCWG-Acct) Yamout, Salam (Executive Board of RIPE NCC)
Key Issues raised (1 sentence per issue):	● Observing increased government and ministerial regulation for the Internet-related issues. ● Accountability in a national government in Internet governance ● How ministerial actions are accountable?
If there were presentations during the session, please provide a 1-paragraph summary for each Presentation	None presented in this session.
Please describe the Discussions that took place during the workshop session: (3 paragraphs)	Questions raised by the moderator: ● How governments make regulations about internet related issues? ● How are they being accountable to those who are affected by those regulations? Cases were shared from UK, Middle East, Japan, Kenya and Cross Community Working Group on Enhancing ICANN Acccountability (ICANN CCWG-ACCT). Below are initiatives/challenges shared: ● In the UK, formally institutionalized mechanism exists such as UK IGF and MAGIG. MAGIG is a pool of experts from business, from technical community, from the society and academics to provide input on UK' approach in global discussions. As clarification, they do not provide inputs to national legislations. Parliamentary internet communications and technology forum(PICTF) introduce as a grouping of parliamentarians with academics and technical people to discuss issues and bring us ministers and officials into the discussions ● In the Middle East, there is top-down governance style, characterized by non‑democratically elected government and no needs recognised by such governments to engage in dialogue with experts, or multistakeholder approach. A positive example was also shared where Lebanon's legislation case of electronic transaction laws was explained: initially blocked by private

	sector then became successful by a prime-minister-established-committee including different sectors.
	● In Japan, the situation was explained that the government put weight on global consistency for Internet related policies, as well as conduct consultations by experts. As a specific example, key stakeholders were consulted on location based application in conjunction with privacy
	● In Kenya, there is a new constitution which requires on anyone making public policy to consult those that are affected. There are remaining challenges there are no set standards for public participation. Therefore, many institutions are still struggling how to make public participation meaningful.
	● The new ICANN accountability structure after IANA stewardship transition has been explained as a comparison and a goal for others. The proposal was developed by multistakeholder approach engaging all stakeholders, and example of IRP improvement was described where stakeholders have strong mechanism to challenge the decision which was already made. Mexico's case of Internet governance initiative group with multi-stakeholder approach was also shared, with the key important feature highlighted that government can be a facilitator but not coordinator.
	The moderator raised question about parliament engagement. Unlike parliament members, government officials are not always elected. Therefore, they are not always necessarily accountable. One of the speakers stated inter-ministerial coordination might be required due to more complex and touched Internet-related policy matters. Another speaker raised a case about a governmental committee which may not necessarily have multi-stakeholder approach because the government believed itself enough accountable. The other mentioned that the legitimacy will come from having all the interested parties contributed the process with transparency.
Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways: (3 paragraphs)	1) Key comments from the audience: ● A question was raised on how do we get government which do not recognize the need for mulistakeholder to engage experts and wider stakeholders in adopting internet related policies ● An observation was made that not only consultation is needed in developing the policy, but justification/review is needed on how such policies are adopted and maintained. ● How did these consultation groups not become vehicles for lobbying and then special interest? ● How do we get government which do not recognize the need for mulistakeholder to engage experts and wider stakeholders in adopting internet related policies 2) Experiences shared:

	• How do you engage with governments which to not recognize multistakeholder approach
	   ➢ A case in Kenya was shared which importance of engaging several stakeholders started from more familiar area for government in the area of broadcasting.
	   ➢ Some suggestions were made from Lebanon's experience with successful example of private sector raising the voice and lead to setting up of committee with private sector included on E transaction law. Fostering dialogue between state and non-stake actors, on how their legislations can become better with sharing successful cases of bottom-up process was another way forward suggested.
	
	• How do you ensure, not only consultation in developing the Internet related policies, but justification/review is needed on how such policies are adopted and maintained.
	   ➢ A case in Japan was shared on PDCA cycles used for post-implementation policy review. There is a mechanism actually being used in Japan to measure whether or not the expected effect of a policy is actually there or not as the outcome. If not, on a periodical basis, based on the PDCA cycle, there is actually a mechanism to adjust or select a course of actions after the policy gets implemented.
	   ➢ Separate additional observations were made: 1) If there is an organization or inertia between the government and the different stakeholders, then it will come natural to continue consultations, post-policy adoptions. 2) A public participation framework that outlines the processes and even reports back is needed
	
	3) Additional key messages:
	• Reaching out to stakeholders and communities and engaging many key processes that will impact on the evolution of the internet.
	• Transparency is the key. Access to official documents which is important mechanisms to be legally defined and be made available (as in the UK's example).
	• We are living in times in which we might be seeing a new kind of democracy. On internet‑related issues, legitimacy of any policy will come from having all the interested parties contributing to the effort and being transparent about it. For the years to come, the multi‑stakeholder model and the exercise that has been evolving will gain legitimacy, by having a wide participation and exemplary transparency in the way things are done. That will support the positions themselves. Free trade agreements are negotiated by the different parties to date. If we act to that model of negotiation, the participation of the different stakeholders that will be affected by the free trade agreements, another story in negotiation will come in the years to come.
	• There are open remaining challenges such as:

	➢ How do you address a situation where government doesn't listen, care to listen, or people participate only to get their particular interests across to the government. ➢ How do you ensure accountability of committees if committee members are elected by governments ➢ The internet‑related policy matters gets complex and touched from a variety of aspects around the world. In addition to wider stakeholder engagement, Inter‑ministerial coordination is necessary to make decisions observed as an area we do see as an improvement going forward.