

Musing on Netmundial
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Netmundial, the multistakeholder meeting organized by the government of Brazil, was an inspiring mess. On one hand, it was the place to be--a Woodstock for internet activists and innovators. The Brazilian government paid tribute to these individuals and used the opportunity to signal that it intended to play a leading role in global Internet governance. On the other hand, the Brazilian government did not clarify the objectives, strategy, and desired outcomes for the April meeting. They did make it clear that the conference would yield a declaration with two sections: principles and a road map... But attendees were unclear as to how will policymakers use these principles and road map? Did the organizers intend to create a road map that could ensure that governments and business adhered to those principles?

On the day before the conference as well as conference day 1, I asked everyone I could: Are we creating norms or just a process to move Internet governance forward? Do governments sign the final document or do they nod in assent? How will assent be determined and by whom? Are we (representatives of business, academia, and civil society) speaking for ourselves or for groups we supposedly represent? I received a multitude of different answers. Fellow attendees—representatives of business, government, technical groups, academia, and civil society were diverse, opinionated, and divided.

By day one, it became quite clear that governments were playing a leading role in determining the language of the final principles and roadmap. And representatives of some governments such as the U.S., Kenya, Brazil, the Netherlands, and Germany as example, seemed very effective in working both the process and outcomes. Government delegates from these countries spoke frequently, issuing positive comments regarding NGO concerns, and suggesting language that facilitated consensus.

As in any formal negotiation, attendees moved in and out. Groups of NGOs, governments and businesses gathered in rooms near to but outside of the main conference room, massaging the documents.

NGOs were divided on what the final declaration should say. Some insisted on language that would ban surveillance; but they didn't seem to recognize that the government officials present didn't represent surveillance agencies or their legislatures and hence could not make such commitments. Others seemed content to have some language, albeit vague—The final declaration states on p. 11 “Mass and arbitrary surveillance undermines trust in the Internet and trust in the Internet governance ecosystem. Collection and processing of personal data by state and non-state actors should be conducted in accordance with international human rights law. More dialogue is needed on this topic at the international level using forums like the Human Rights Council and IGF.” But the declaration did not prod member states to commit to initiating such dialogue. Hence, we will all need further direction to find our way home towards an Internet where some governments constantly monitor our every keystroke.

The delegates also achieved vague language on cybersecurity. They agreed “It is necessary to strengthen international cooperation on topics such as jurisdiction and law enforcement assistance to promote cybersecurity and prevent cybercrime. Discussions about those frameworks should be held in a multistakeholder manner.” But here again, they could not agree on how because Netmundial could not commit government officials to any actions.

The preamble of the Netmundial final document says it all. “This is the **non-binding outcome** of a bottom-up, open, and participatory process involving thousands of people from governments, private sector, civil society, technical community, and academia from around the world. The NETmundial conference was the first of its kind. **It hopefully contributes to the evolution of the Internet governance ecosystem.**”¹ Notice the use of the words “**nonbinding**” and **hopefully contributes**. However, here's what gives me hope. I met a lot of people—young and old, technically savvy and human rights literate from all corners of the globe. These people have significant expertise in cooperating to make the Internet safe, open, evenhanded and stable. They deserve our admiration, patience, and feedback as they work to maintain a multistakeholder approach to Internet governance in a world where governments (supposedly representing us) set the rules and can commit to action.

¹ <http://netmundial.br/wp-content/uploads/2014/04/NETmundial-Multistakeholder-Document.pdf>

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