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DEMOCRACY 3.0: ACCOUNTABILITY AND REPRESENTATION IN THE AGEOGRAPHICAL
CONSTITUENCY AND ROUGH CONSENSUS
MULTISTAKEHOLDER MODEL

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    >> EDMON CHUNG: Welcome, everyone. I guess we're still waiting
just a minute to get the Adobe and the recording and everything started.
    It seems like the scribes are on. Are we ready to go?
    Okay. Welcome. This is a session -- I call this the democracy
3.0 series. I'm Edmon Chung. This the is something that's outside
of what I usually talk about which is DOT Asia and international domain
name related stuff. This is I hope a very relevant topic to talk about.
We often as we -- I'm through of trying to figure this out. -- I'm
trying to figure this out.
    When we talk about Internet Governance and how the Internet effects
society we often focus on the issues that happen on the Internet.
I guess one of the things that I wanted to, you know, in terms of
this series, I wanted to think about all of the different
multistakeholder models that we're using for Internet governance and
perhaps how they may affect the larger scope of governance or even
public policymaking, and how that in turn effects Internet governance
itself. It is I think in my mind a two-way street rather than, you
know, just how the Internet effects -- is effecting the society. Just

before I jump there, when we talk about multistakeholder approach
we actually -- the term itself, it is actually very broad. There are
very many different types of things that we call multistakeholder
approach. We have the ICANN model, we have the IETF model, we have
the IGF model and most recently in the transition the ICG which is
the coordination group, I'm using the acronyms just as is because
they don't really matter any much.
     The key point is that there are many different models and the
way we slice and dice the stakeholder groupings is very dependent
of the decision and the decision-making process is very different.
     I guess that relates to -- and how it relates to real politics,
I guess public policymaking is really constituencies, what is really
interesting in multistakeholder approach, stakeholder groups they're
taking the place of geographic constituencies, what we used to in
national elections or in national deliberations is really geographic
but as the Internet becomes long a lot of scholars have actually started
questioning whether geographic constituents even for the public policy
process is still relevant and of course in the multistakeholder model
we no longer talk about geographic-based constituencies and it is
really much more about stakeholder groups and about functions. That's
where my deliberations started and a bit of a background is I have
been participating in ICANN for quite some time, since 1998. The thing,
the Hong Kong situation, I'm from Hong Kong and Hong Kong situation,
the fight for democracy and how the legislative council works in
Hong Kong gives me inspiration. Hong Kong is probably the
only -- there is only two jurisdictions with functional constituencies
that are non-functional at this point in terms of democratic situation.
It gives us a glance of if the multistakeholders put into play in
a larger policymaking context what it may look like and what we may
want it to look like.
     The relevance there, as I guess we in Hong Kong fight for democracy
and there are many other things that happen with the -- this particular
slide I like to use because it is also the beginning of my own journey
about this whole concept of participation, democracy. Of course a
parody or derivative of work of 1989. You just imagine what may happen,
you know, in 1989 if the Internet was there back then and how different
it will be.
     At the same time, it's interesting. It is the same year, 1989
that the very famous or -- well-known book from the Francis Fukuyama
stated the end of history and that was when the Berlin wall fell,
a lot of things happened that year. So many years later -- and that
was the time when Internet wasn't there yet, at least not in the
mainstream. Now many years later, suddenly he had a very different
view of it, when we think that the Internet is actually promoting
democracy and development actually and with all the hype of the
democratic development in the Middle East, in Egypt, for example,
there was a thinking of the fourth wave of democracy that would push

through to many other states that are still non-democratic and unfortunately that didn't really happen and in recent years we have realized that a lot of -- even if you do win the vote in the ballot box there are many other things. There are many -- the studies from different scholars, there are many different areas that make democracy work, economic conditions, bureaucracy, the rule of law. I think, you know, even with all those in place we come to a position now with Britain, trump, it is interesting how democracy works or doesn't work and it brings us to -- of course there are other areas where we are creating dictatorial democracy out of democratic processes, there are of course authoritarian non-democracies. At the end of the day the thing I want to look into is after this fight for democracy, whether we win or not and get the vote or not, we Tim end up with a question then what. After you have a vote, you know, is that the end, is that -- is that a process that we can, you know, depend on for good policies and good life? I guess that's not the case. People in a mature democracy is asking for electoral reform and that's where democracy 3.0, that's the background of why I call it Democracy 3.0, I call it 1.0, the Athenian democrat city, back in Greece, and then what we have today in a more developed world, the people's revolutions from France, U.K., U.S., and that's a series since early last year I have been having this kind of discussion at rights Con, at IGF, last year, APRIGF last year, including a number of different people to talk about really how the State of democracy and the State of Internet and Internet Governance are actually interrelated and how they may be able to interrelate, how the multistakeholder model can inform the larger discussion and political deliberations. That's -- you know, that's one of the things that we have -- there are a few items, outcome from those discussions that's about whether the multistakeholder model is democratic at all and whether we want it to be democratic at all and how do we define that. What is the accountability in terms of stakeholder groups, constituencies and how we elect representatives in a multistakeholder model.

In the past we look at global issues. We think about a multilateral approach, the U.N. approach. I guess even in peace treaties we understand Thai approach probably doesn't work. It is the only governments talking to each other. If you ask the people I guess of the different states, of course the ultimate goal is always to have peace and in a multilateral situation you may not end up with that solution. Is the multistakeholder approach going to help us even further or actually -- is it going to hurt us more? Before we get there I guess the main question is whether -- today I hope that Ang will go in an approach if this is something that we believe in, the multistakeholder approach that can create results in a global dialogue, then we also need to make sure is that we improve this process and improve -- we better define what we really mean by multistakeholder approach. What is a good multistakeholder model, what may be a less

good multistakeholder model? Is it democratic? Does it represent -- is it representative and does it represent the stakeholder groups that it is trying to represent. With that actually, that's the introduction and I'll -- we have a number of panelists with me today that will start the conversation and I hope everybody will join in, I'm hoping that will be more of a roundtable discussion but I'll starred with the Peng and Kenney who prepared some thoughts to get us started and we'll go to a few questions, one on what are the boundaries of stakeholder groups and how do we determine representation? At the end of the day we have to elect somebody to sit on some Committee to make some decision. How is that process representative of stakeholder groups? Number two, rough consensus, a very interesting question, we often make decisions without voting in Internet governance, how does that work.

Third, diversity, what -- in a geographical -- is geographical diversity still relevant when we talk about multiglobal, multistakeholder model. Those are three questions and I'll come back to that and immediately pass to Peng and then Kenney and open up to the panel and the floor.

>> ANG PENG HWA: Thank you, Edmon for this. I'm with a University, I know some things about very little, right!

The one thing I'm talking about, diversity. Let me begin the statement, I think we can all agree with, that diversity is good. I think we can agree there, right?

Why is it good? There's a book who wrote Tiger mother and before that she wrote world on fire and in that book the thesis is that Empires are on the rise, she means big Empires like hyper powers, the U.S., the Soviet Union, China, Roman Empire, when Empires were on the rise they were more tolerant. In fact, history shows that the Persians, the Mongolians, the Romans, they used people that they captured to help them rule the country that they had captured. In other words, it was Romans ruling all of Roman Empire. It wasn't Mongolians ruling the Empire but it was natives that were a part of the ruling cast you can say, the ruling group of the Empires.

I think that the book was meant to be a corrective pointing out that tolerance -- talking about tolerance, diversity, tolerance, it is good. Empires, they're not only tolerant, they begin to decline. In our State of our own economic, Mr. It Cal situation, when you look around the countries, you should be concerned when we have a lack of tolerance because it could signal a decline of our own country's own regimes.

We have this evidence out there, historical evidence. A benefit of diversity, this is where the benefit of the democracy comes in. If I look at history, you will say that the best ruling method is not democracy. Right? It is a philosopher king. A really smart guy, a nice guy. I'm not from here, Singapore, okays okay. I'm not here the but the king, he's a smart guy. Probably good looking, tall, you

know, handsome, okay.

Nice guy. He's not corrupt. Typically, he -- could be she here also I guess -- we're diverse here. It is the best method, you cut out a lot of motives, you cut out some things. In a democratic process you have some errors, you accept that as par the of avoiding the worst fate, corruption, the decline, things like that. Looking again historically I look at this issue, the king or queen, best approach but at this point in time we don't trust the philosopher, the king, the queen model.

We want to have a say in it and we look overall that it is better to have some cost involved in a democratic process where you cannot have reversals and all of that and debates and all of that and overall it is better to have that.

Now the question is this, if this diversity that we have now that we take for granted as good, right, if diversity is good is more diversity better like vitamin C, right? If some is better, is it better to get more? Vitamin A is bad, don't take too much vitamin A, vitamin C, that's fine, dissolves in water.

My question is this, is it always a case that diversity is good and is it possible to have the too much diversity? The question I have is this, if I look around the I guess it depends on what you're trying to achieve with diversity.

I think even trying to brainstorm to get ideas then diversity is good. If you're trying to achieve an outcome, then the diversity may not be that good. You have people disagreeing with basic fundamentals, right? Let's take something like the concern about surveillance, right? I think we have some rules regarding surveillance. We need to have people to agree -- we're in two different positions, right? One position, governments have a legitimate -- if you don't accept that position, you can't even discuss because governments shouldn't have any right at all in surveillance, that's one position that I think you could take. The other position to take also is that governments tend to over step surveillance so I think you need to agree with two positions that are dramatically opposed about you you agree that these are positions you can agree on. If you don't agree and you really can't come to the table to talk. So looking at what you're trying to achieve if you're trying to arrive at some rule formation, decision making, then in a way you have to limit some of the diversity. You can be diverse but too diverse otherwise you can't come to agreement. Now the question, of course is what is this mean? That's why this philosopher, you try this. I didn't come up with this. Now we have this golden mean. The golden mean is not a mathematical mean. It is not something you arrive at by dividing by 2. It is something that you arrive at a creative decision, creative outcome. How do you arrive at this? Now let me look at -- I'm looking around are there examples where Civil Society particular, Civil Society is diverts, all kind of people are in it, in the incidences ever Civil

Society coming together to get a good outcome that's regarded as a good outcome by all. So one that comes to my mind is how we came to this good thing, maybe it is Brazil, others, you know, whatever. What else was there in Brazil that allowed the group to come together and all of the diversity, right? You arrive at this good outcome. let me offer some possibilities. I think one was a very clear goal. The point of surveillance, they issued -- addressed the issue of surveillance and Edward Snowden, Edward Snowden, he's in the background kind of. There was surveillance there. There is some goal that you're trying to achieve in that case.

The second one, a clear benefit of achieving a goal. If you're able to address this issue of surveillance, then you can see the benefit to Civil Society. Some gain in Human Rights and gain of what the government can do. Right? I think that the third one is that somehow the conditions -- here I'm still looking at the conditions, there are some conditions that allow Civil Society to be really motivated to come together to obviously -- there are some obvious differences, not all diversity, there are some differences to come to an agreement. I think it is a good template, a good model how despite all of the diversity of there and we talked about how it is not just the geographic representation, not a question of rights, not a question of your interests but somehow despite all of that the diversity you're able to come to some kind of an agreement.

On this point, diversity is summarized, it is good, up to a point. like vitamins, you get too much of a good thing.

It is possible, you look at one example, I agree it is one example, it is a good example of how we can agree at an international level, at international level that all the diversity globally speaking, you have to still come to an agreement and my take on this is that diversity is in a way like governance itself. Right? Any rule that's taken too far can become a bad rule. Diversity as a rule should not be taken too far. That's my point.

Thank you.

>> EDMON CHUNG: It is very interesting to point out kind of a golden mean. I think this is even with the multistakeholder model how you slice up the stakeholder groups and constituencies that probably need to be some golden mean. We need to have a process to continue to find it. It is more dynamic rather than static. That's one of things that was mentioned.

>> KENNY HUANG: Good morning. I'm Kenny Huang, I'm a council member -- I was told yesterday we had two speakers so I just prepared a one-hour presentation. Be patient! Anyways, just kidding!

I'm not going to go through the whole process! I'll skip some of the slides.

I'll introduce the multistakeholder approach in Taiwan, especially with the stakeholder model even though we're sitting in a room, we still consider ourselves multistakeholder, many say they're

a multistakeholder model. I think we have to clarify what that is and is there any benefit from the multistakeholder model.

That's basic, the young generation, we can go to Google, go somewhere to list the definition for Internet Governance. There is a broad definition and a hybrid, Mull till jurisdictional concept and Edmon mentioned this part, two practices, one is a multilateral model and the other approach is multistakeholder. You can Google the nature and characteristic of the multistakeholder model.

The multilateral model, control and people, you can see if the new topic like Internet Governance or a new technology comes out, new innovation, we have to find a way to solve the solution as soon as possible. That's why the model proposed, the multistakeholder model, the issue for the multistakeholder model -- sorry -- the issue from the multistakeholder model, people curious about effectiveness of the multistakeholder model because we keep saying we're multistakeholder model but are we really better than the other, something else? That's questionable.

Also the limit to communication and coordination, if you represent a global stakeholder how do you do with the communication and provide the coordination even we have most fancy are technology like Adobe Connect and even communication software, it is difficult to communicate from mass population. We need to identify how can we approach that kind of resolve.

This is an example of practice for a multistakeholder model in Taiwan. Basically most of the practice in Taiwan, they have claimed that they're a multistakeholder model even with a Committee from the government or any association from the industry, they're claiming they're a multistakeholder model and this organization, I used this to demonstrate and I'll introduce that they claim that they're a multistakeholder model. This organization basically, they are receiving inquiry from stakeholders saying that they're content that's some considered to be harmful, could you please arrange to take it down.

This organization had, they have internal due process and eventually they follow a request to the government authority, a different kind of government authority and also referral and redirect this kind of request to service provider either content provider or ISP.

Anyway, by any unknown power content would be taken down.

That's in the process that's happened in Taiwan. The question is, the function of this organization, what it provides, the coordination and facility, and additional layer for public policy enforcement, because the governments stay behind. The government can claim they didn't do anything because this organization is involved in everything, including the notice and take down. Basically this won't happen without the government support.

The position for our organization that claim that they're

independent and a regulated entity so we need to had review the structure, are they filled with a multistakeholder model prospective. From the governance model we need to review the bylaw membership and the structure and the election procedures and accessibility for operations such as financial projection. And also from operational point of view we need to review the policy development process, the due process and also their conflicts of interests with external entities and we have to review the accountability and transparent that's required by anyone that owns the monopoly, you have to review if you're transparent, accountable to the stakeholder. That's a very minimal principle to claim that you're a multistakeholder model. I shouldn't say that. Basically we probably need to write more on the maturity of multistakeholder model from very beginning to mature multistakeholder model. That's going to become a very immature multistakeholder model.

So you can see some recommendation. You have some layer. Basic recommendation to design a better multistakeholder model, you have the initial design process and you collect that input and you have to define the objective from the community and also you have brief scanning issue or stakeholder involved with the Internet issue and you have the multistakeholder model process such as we have issue, we have discussion here, public initially just a brainstorming but eventually when mature enough you can set up a mailing list, a task that will eventually be an institutionalized organization. Yes, very similar.

When you're in an organization, you're running your own partially monopoly power, that kind of power, we're talking about institution for private entity for international authority. You're a part of an authority. That's been classified into 6 categories for private international authority, including informal industry norms and practices.

We used two dimensions to classify Internet governance, this policy governance model, it is two dimension. One is governance capability and capacity for public good or public policy inference power. The other dimension we classify into the governance model which governance model is a problem for this kind of approach. For example, we see for example the first column. The first column we have private sector. If private sector doesn't have a governance capability and capacity and the government has -- the government always has the capability and capacity, by this column let's fulfill the philosophy of king. So taking control, that means the state regulation. That's the first choice. For second choice, if a non-stakeholder or private sector, they have a capability and capacity, a government also has the capability and capacity as well. What kind of resolve can be delivered. That can be three scenarios. The first scenario could be corporation, the second scenario could be core regulation and the third scenario is dedication. It depends on the situation, depends on country, depends on maturity of the constituencies.

The third scenario, the third column, it is the private sector has a capability and also has the capacity but the government doesn't have that kind of capability and capacity. In this scenario it could happen, become a private self-regulation. I don't know whether I belong to this category or not. Everything right now unfortunately belongs to this character.

So talking about pros and cons. Governance with government or without government, and there is different pros and cons.

Also there is a theory talking about a shadow of hierarchy. In the very beginning of a private sector willing to show the interest in public policy the government is happy with that, it releases the burden initially and when a private sector gets more powerful the government will be threatened. They have delegated to public sector, that's the shadow of hierarchy, the government, they impose different kind of rule and to the private sector and ask them to do something in addition to their regular operation.

Also there is a monopoly and regulatory competition model, and the monopoly and regulatory competition, the main reason for private is anti-competition because they're self-regulated and they have super monopoly power. They become in competition, I'm the only service provider, I only allow this, it only exists in the world, every business, every industry should listen to me unless self-regulation.

Also, okay, we consider if it is a mature multistakeholder or not, we have to evaluate from different perspectives such as we need to develop whether monopoly, we're doing the monopoly assessment and we have to review the public policy governance regime, to review their position of vulnerabilities and also review applicability for regulatory competition model and also if anything goes different such as we have a government regulation and also you have the self-regulated policy, if there is anything inconsistent that happened, how to resolve that.

Also we need to consider future sustainability such as short-term and long-term strategy. For example, it APrIGF, do we have long-term or short-term sustainability. That's a question we need to ask whether we're in the mature position or not.

That he is my presentation. Thank you.

>> EDMON CHUNG: Thank you, Kenney.

A very good way to think about it in terms of maturity of a model and also in terms of sustainability, both in terms of if we take us as an example, both in terms of resources including funding, but also in terms of participation, I think it is one of the big challenges.

I need the clicker back! I need control! Power! It is in my hands! I guess with that, I'll jump to the three areas that I kind of circled out with the panelists and I was trying to involve the audience in kind of a more roundtable discussion. I mentioned we talked about three questions, I'll set aside three different kind of times to talk about it. If you feel you want to mix it together, feel free

to do so.

First one, really about constituency and representation in multistakeholder models. It is inevitable there will be a selection or election processes in whatever governance model we talk about even in the multistakeholder model and how do you elect people from constituencies and as these constituencies, stakeholder groups evolve over time the boundaries of which tend to blur over time as well. How do you really think about representation in a multistakeholder model. I like this campaign sticker I found at one point and was doing a bit of a research. Don't let others speak for you, vote. But voting, you -- you know, in a political sense you don't really get to speak, someone else speaks for you. In the multistakeholder model or in the Internet governance model we really think it is great to get the voices to speak directly.

What's vote and what -- you know, ultimately there still needs to be some voting mechanism, how do we balance between them? Of course even a popular politicians, you know, people don't think they speak for them. In a multistakeholder model what is it we're talking about when representation needs to happen. ICANN, there are different councils, the board at IGF, the MAG, you know, every kind of a governance body will have some sort of a model.

Is that democratic? Is it today? Can we call that democratic or like what was said, is too much of something bad and is this the case we have to curtail some of the democracy or what we call democracy today and then what the impact is when they're not, you know, in democratic principles and you need the apportionment? You create RCEP actives from X number of people and then each representative should come out of X number of people. That's not the case in multistakeholder model, how do we call that democratic or how -- do we want it more democratic. That's some of the starting questions and I guess I'll go through the panel for their thoughts and hopefully we'll get some input from the floor as well.

Based on the seeding I guess I'll just go -- seating I'll just go with the seating.

>> I'm on the ICANN board but I'm here on Edmon's request and speaking on my personal capacity. I have some great questions to the three you posed, Edmon and two from my perspective, they were interrelated, that's the one of rough consensus with cultural diversity. The question is really does cultural diversity necessarily make consensus harder to achieve. Peng Hwa touched on that briefly.

I have a similar view in some aspects and a different view in another aspect.

Maybe -- let's talk a little bit about rough consensus.

I think you mentioned in the description for this panel the definition of rough consensus. That the IETF has a great definition of that. ICANN glossary only talks about unanimous consensus or full consensus.

ITF has a definition for rough consensus. The idea is to capture the sense of the group to see what is the predominance of opinion. There may be decenters but if their idea has been heard and they have been weighed and no one is convinced of these ideas one can say that we have achieve rough consensus. One should always try to get an understanding of how big the opposing forces are. If I was chairing a session I would try, for example, to ask can I get a feeling of how many of you would not feel comfortable with a particular proposal, proposed language. The beauty of rough consensus as opposed to unanimous consensus is allows for some descent and I think having descent is good. Vigorous debate, different views, it is always good. provided, of course, they're put forward in good faith. Debate, it is -- it allows for new ideas to pop-up and thinking outside of the box and that really has something to do with cultural diversity.

I'm actually a court appointed mediator in Singapore, I'm not surety if everyone knows what is mediation means, it is not meditation, it is mediation. Mediation is a form of dispute resolution. So the multiparty disputes rough consensus, it is actually an important tool in in this. I'm a big fan. Coming to cultural diversity, I think I think -- perhaps I'm not sure, Edmon if you'll cover that, we collect a lot of statistics on who attends the meetings, we collect statistics on the composition of our different supporting organizations and advisory Committees. What we do now -- the correct term, it is gender balance, not diversity, women constitute half the human race or nearly half the human race.

So we look at gender balance, we look at geographic diversity and look at the language diversity, but in terms of language diversity we look at how many people are represented as compared with the official U.N. languages. That does not represent the actual -- the actual languages spoken in the world. That's a different issue altogether. I can cover that and discuss that some other time.

Cultural diversity I think is very difficult to define and it is difficult to measure. There are studies done on this and it would be worthwhile to look at how we can get some KPIs to measure cultural diversity.

In addition to looking at gender balance, looking at guy graphic diversity, looking at language diversity, it is good to look at for example citizenship as opposed to country of residence and it is good to look at mode of communication that people like to use because -- that's very much related to cultural diversity. It tends to be that the most articulate people are the squeaky wheels, they're the ones that sometimes are heard the best. We -- there's value, merit in looking at multiple forms of communication, for instance, more written form or encouraging people who are not necessarily articulate, who do not necessarily wish to speak up. I'm one of those people. I don't necessarily like to speak up in public. Maybe it is because of my background. It is very important to make sure that those voices

are not heard and that's cultural diversity we should focus on.

>> EDMON CHUNG: Thank you. Important points, I don't want to force everybody to go by the topic, Burr why don't I introduce all three topics and we'll go through the room rather than try to -- try to enforce my little three points thing.

Why don't I just jump into that since you brought it up t I'll come back to this. Rough consensus, it is an interesting model that Internet governance is using. A mainen are, if you look at ICANN or ITF, the idea of working groups is that it is completely open. Anybody in the world can join and it can be a few hundred, few -- you know, potentially a few thousand people on a working group. Or 3 or 5 persons on a working group.

How do you create decisions? How do you form a decision-making process with such a large difference in terms of number of people?

That's one of the reasons.

Also how they think about representation in the IETF and starting with rough consensus. What I wanted to bring in is also with the rough consensus model, the types of leaders we elect may be very different, the types of leaders that in to the rough consensus model and the types of leaders that you vote to get in, to be a president may be very different people, I was going to leave off with the slide about, you know, a question of how we define rough consensus. It doesn't mean majority rule. In many cases when rough consensus is called, it could be a minority. It could be a minority view and still there is rough consensus because of other reasons. That's something that's interesting. About cultural diversity, because we are talking about a global resource like the Internet, any Internet resource it is about the global public interest and we think about the cultural diversity and there are different cultures which Asha alluded to, paternalistic leadership is often preferred, even in some cultures but if we rethink some cultures actually think that the parent is the people and the government is the parent -- is the child because, you know, governments are created by the people. The cultural differences take us to a different bend as well.

The last and third question I was going to ask, it was the -- what is cultural diversity, is that important in multistakeholder model especially given that it is no longer geographically based. We today have models that are geographical diversity in ICANN and other areas as well, is that even relevant in the future when we talk about the global multistakeholder model approach. I'll jump back and originally I was going by this one by one, feel free to comment on all of them. On how we define constituencies and how we elect the representatives out of that in a multistakeholder approach.

>> I think for the first question around the multistakeholder approach one point I want to make, I don't -- multistakeholder should not be a substitute for democracy. It has to be -- I think the end goal is to deepen inclusive democratic Internet governance. Democracy

is -- that's -- I think that's an important point to look at when we're looking at multistakeholder, it cannot be a substitute.

In terms of who is at the table, in the multistakeholder, we have defined already, there seems to be five or six stakeholders now when you talk about the diversity are these the only stakeholders we're looking at? I think we need to maybe think about others who are not necessarily -- who do not see themselves in any of those stakeholders and I think there will be people or groups who are not in those. For example, one would be -- especially -- I had a discussion this morning around -- you know how the Internet has changed so much and how much it has become so much relevant to so many domains and so many more people. I think also -- I think 10 years ago until now it has changed, who are the stakeholders in the Internet governance.

In relation to diversity: Related to the question around is more diverse -- is there -- is there such a thing as too much diversity or can we -- should we limit diversity? I think diversity is diversity. You cannot limit diversity. People are -- people can define themselves in different ways and relate to policies and processes in different ways. It can be a group of people, a community, it can be a larger group. I don't think it is useful to think of diversity as identifying -- I think it is much more useful to maybe see what process in the decision making would you maybe look at what kinds of stakeholders you would include. It is not at all points, for example when we're thinking of -- when you think about -- you talked about the outcome. What is more important and is that -- it could be that you have a broader -- when you're discussing broad principles and maybe that's why NETMUNDIAL worked, you look at broad principles and you have the diverse participation and you have much more unity for rough consensus when you talk about the values and principles. You have much more participation in that agreement and there are decisions where you have -- you know your -- you arrive at a consent tis because it is much more specific. I think that's the one thing that's important when we're looking at stakeholders. I think the other thing about stakeholders, even if you say Civil Society stakeholders, even within that, it is not a -- there is many kinds of -- there are many different -- there -- there are different opinions and there is also -- there is also a need for making sure that stakeholders have space and have processes to come to consensus before engaging in a multistakeholder process. I think it is not -- the playing field is not even. It is sort of -- one of the things we do, for example, we make sure that we do have capacity building for groups of people who may not see themselves in this Internet governance process for example. You have to build that capacity. For them to be able to come to a multistakeholder process where they feel that they can be heard and they can actually participate equally. I think that's the other thing that I would say is important.

I think one of the things that -- the other comment I would make

is that this golden mean, if I understand it, it is -- I think it
is a moving target.   I'm not sure you can have one model or one outcome.
It would change, no!   It depends really what the issue is.   It also
depends what the decision is.   I'm not sure we can define it.   There
are different models that operate in different circumstances, yeah.
I think I'll leave it at that.
     >> EDMON CHUNG: One of the emerging themes of what's being said
is really that we start off with a stakeholder grouping model and
we need to understand that the system cannot be fully mature, that
it cannot change, new stakeholders may need to be added on different
types of decisions.   That's one of the -- I guess one of the features
that needs to be built into multistakeholder systems.   That's something
that's interesting to look further into.   Such as ICANN.
     >> Good afternoon -- is it -- almost good afternoon.   Adam Peake.
I work for ICANN but most of what I say is from experience that predates
that.
     The first point is to go back to when we started to talk about
or think about the multistakeholder models, around the time of 1995,
'96, '97, it was primarily led by U.S.-policymakers from the Clinton
administration, it was before they really started to think in detail
about the Domain Name System.   They were applying this broadly to
notions of what we called then eCommerce and how we would build
structures for developing policy around this then-emerging world of
electronic commerce and the Internet.   The idea of involving different
stakeholders emerged at that time and there was a guy that was leading
a lot of this work, he was very clear that he did not expect
multistakeholder arrangements to be monolithic, not the same for all
issues.   If we think of a pie chart where Y is power or influence and
then the bars are the different stakeholders, a bar for Civil Society,
a bar for government, a bar for private sector, a bar for technical
community, that power relationship would be different depending on
the history and background of what that particular issue was.   For
example, in ICANN, a first issue that they started to look at, the
Domain Name System, ICANN hadn't been then created.   The idea was that
governments had never really been particularly involved directly in
making Internet policy.   The roll of governments therefore and that
size of the bar chart would be lower for government and the other
sectors would be somewhat higher.   In a different issue, may be privacy,
may be encryption policy, could be any different Internet or technical
related policy given the history of relationships then those sort
of moving bar charts of power and influence would change.   That's the
first notion, the multistakeholderism that would not be monolithic
so we have this this WSIS relationship of four, five, stakeholder
groups they would not center equal power always so in ICANN we see
for example governments are an advisory Committee, not directly
involved in the policymaking processes.   I think that was intentional
and it was intentional reflecting that past history of relationships.

As we have already heard, these relationships change and the governments, Internet policy, public policy, it is important and we're seeing a rise of the influence of the GAC, the government advisory community. The first thing, multistakeholderism or arrangements were never meant tore monolithic and reflect the different issues that happened at the time and as a result we see the change occurring as the Internet is developed and particularly the public policy is more involved.

The second, just to go back to the idea of NETMUNDIA before ICANN, I was a part of a drafting Committee that drafted that document. I was on the receiving end of a lot of the input that came in and this really highlighted two things about Civil Society, we talked about Civil Society. One is that the Civil Society is extremely diverse and that diversity brings expertise and knowledge and also passion and the level of the input that came from that particular stakeholder group Internet MUNDIAL was extraordinary and it was -- I don't want to say quality but the diversity, the intensity of contributions from Civil Society was greater than from the other groups. I think that was reflected in the outcome document. Civil Society works extremely well in these types of environments, it does have diversity, it has knowledge, it brings representation globally and passion helps. At the same time Civil Society does also have a habit of sort of eating its own young, it will destroy itself in its own way.

That's probably the personal bias because I'll talk about -- there was a part of the NETMUNDIAL example where people giving the example of SURVEILLANCE, people leaved that the governments should not surveil. That was a part of an unconference that ran parallel on day 0 of day 30 of NETMUNDIAL and they in their minds held the opinions that this process, this should be about Snowden's revolutions and should not be about everything that we do on the Internet and because we were not satisfied with the outcome of the NETMUNDIAL, you will see some strong language against surveillance, they were not satisfied with that, they turned their backs as the document was being read into the record at the end of the conference they turned their backs and showed displeasure. That was sort of Civil Society's passion on the one hand sculpting and creating a document that was really reflecting a lot of their issues and on the other hand sort of also standing against it because it didn't go far enough, almost a political statement, they weren't happy with sort of the consensus outcome. They couldn't live with it. They turned their backs and rejected -- or some turned their backs and rejected NETMUNDIAL. That's just any thoughts.

Thank you.

>> EDMON CHUNG: Thank you.

That kind of relates well to what Peng was saying, perhaps because NETMUNDIAL outcome not so much of an operative policy Thai final compromise was not able to be reached. That kind of relates to rough consensus and representation and all of the questions about the multistakeholder approach as well. Jen and I hope others would be

interested to chime in.

>> Good afternoon, everyone. I'm Jennifer Chong, I work for the dot Asia and I'm part of the secretariat team but I'm speaking on my personal behalf here. Actually, the process of me being on this panel wasn't quite democratic, I think somebody used their prerogative to actually kind of strong army into this panel as well.

Also conscience of the time, I really do want to leave more time for a roundtable discussion I would like to react to a little bit about what we heard from the panelists and really interesting things.

What I can say from a personal perspective actually I have only been in the Internet governance sphere for roughly less than three years and what I can say that I participate very much in the ICANN policy development process. That's being held up as a -- you know, as an example of multistakeholder model working. Going back to the first question, you know, it the representation, stakeholder groups and representation, I am part of the registry stakeholder group which is within the GNSO in ICANN and how they make their policy is what Edmom mentioned, all of the working groups are open toker participation -- open for participation, how do you from these open, diverse groups come to a decision where it is like the policy comes up. How is that -- how can diversity really help this? Can it hurt the decisions that are made there? Can it hurt the policy recommendations that come out of the working groups? My personal reokays a really is -- my personal reaction is from what professor Peng Hwa said, diversity is good but what do we really mean? Is it real diversity. If we have three women, three men on it the panel, is that diverse? Is that what they're really measuring here? Are we talking about meaningful participation? From our region we know that there is a lot of -- I'm glad that this was mentioned, capacity building.

If you don't know of this subject or know you're a part of this discussion or know that you're a part of a stakeholder group in Internet governance, how can you be represented? How can this be so diverse? You know, as mentioned, you know, we do have some kind predefined 5 or 66 groups that he with mold people in the groups, technical community, Civil Society, governments, so on, so forth, what about the indigenous people that don't know that they're a part of this? They can be considered Civil Society but if they're not even a part of the conversation they can't be represented, there is no such thing as diversity there. If you look at obviously -- very obvious here, the kids, the youth, they're also a very, very large part of the ecosystem but do they have a position or a place at the table?

I'll take some time to talk about wildlife, are they part of this too? Conversation on that, you know, Internet governance does affect them but do they know -- what can we do to bring that into the discussion? Diversity here, it is really a good point that Asha made. It is really difficult to measure what cultural diversity is.

It would be useful to have something to measure it. Right now it is a very wide, open concept that is very worthwhile to discuss about. This sure just really my personal reactions to all the esteemed panelists. I don't have very academic words to describe, you know, what this whole conversation is about, but I do want to throw it back to Edmon to open up the floor for more discussion.

>> EDMON CHUNG: Thank you.

I think that was a very interesting intervention especially how we define stakeholder groups beyond the human race as well. That may be as different -- a different conversation.

I open the floor. I'm grateful to have Marcus.

Please indicate if you want to speak.

>> MARCUS: I'm also a member of the ICANN board, I have comments on ICANN but I'll start as a Swiss citizen which is a representative of direct and representative and ultimate it is the citizen the voter with the last word, can veto any decision by parliament, can also introduce a new law and to pick up on the -- I agree with much that's been said on the panel and I disagree with some.

Peng Hwa made some comments, a monolithic state, it is efficient but not what we want. Some people may want that, but -- (laughter). I speak now again as a Swiss citizen!

When you look at the way that the country is doing, I think it's fairly successful on all accounts by international comparison with a high-form of social cohesion where people are moderately well off and are actually satisfied with the government. Why are three satisfied? Because they control the government. That's an important aspect.

Peng Hwa mentioned the surveillance, we had this debate. I'm a member of the ISOC of Switzerland and they have referendums to block the law passed by parliament but we didn't collect sufficient signatures because the majority of citizens were happy with the law passed by parliament and because there is always the sword of a referendum, there are sufficient safeguards in the law that you can argue that there are sufficient checks and balances to stop the government from going overboard. That's to have that in the background and makes parliament and politicians more prudent bypassing laws. That brings me to the ICANN world. This is very much I think the movement we went through, the community trying to take control and to make sure that ICANN as an organization, the board cannot go rogue and there are sufficient checks and balances and that was done not in a constituency model but done in a cross constituency working group and as such I think is a very successful model I think for ICANN. ICANN as Edmon pointed out the history that was done as an experiment, nobody knew how it would work and they chose a constituency model but you mentioned yourself the whole function of this constituency and when you look back in history I think it is more -- it is a functional group and employers, trade unions that are designated in the parliament and that didn't seem a representative way of doing things. For ICANN going

forward I firm believer that I think that ICANN is an organization that will move away from the constituency model, more towards a cross constituency model where people discuss in a multistakeholder setting that everybody sits around the table to discuss an issue very upstream. The current model has the risk that you run into a roadblock at the end when you have a policy development process within a silo and then you open it up for discussion and then you have the government advisory Committee that comes in and says we don't like what you developed. If you have people sitting around the table right from the beginning these -- these roadblocks, they appear much earlier and they're easier to bypass. This is I think a work in progress and again Edmon, says this was not supposed to be cast in stone forever and ever. This is something that I think we'll have to look at as you go forward and last point, NETMUNDIAL, why was it successful precisely? It was not done in silos, everybody was together. Edmon again illustrated some of the dynamics of the process but a very positive example was that everybody was together trying to develop an outcome and it is easier when you have high-level principle than when you have to go into the nitty gritty of the decision making.

These are my few comments.

>> EDMON CHUNG: Thank you.

You point out a few very important points that in my kind of exploration of this topic, one which is the working group model that you kind of alluded to in terms of the process discussion, how it is more cross constituency basically in a working group anybody that can go in. You will ultimately when it creates a report or tries to make certain decisions you have a rough consensus model because no real voting happens. The ratification of that goes into a voting process whether from the ICANN board, from each of the councils, Committees, how the working group relates to the representatives that are then finally kind of ratifying it will become a very interesting model as we move forward. Is it -- is the councils or boards more of administrative checking a few boxes side of things going or a new round of deliberations need to be part of that? Is going to be an evolving process I guess. That I think is a very interesting -- the other thing is about ownership I guess. When we talk about democratic processes we tend to feel that in the ICANN process that's somewhat democratic. You match it with democratic principles that people write about it certainly doesn't match well.

That gap perhaps needs to be bridged and that's part of what I want to bring out. When you match the democratic principles of proportions and representation it doesn't match well. Those are gaps that may be important to bridge as we mature, these multistakeholder models I guess.

I have Leona and then Asha and please just indicate if you wish to speak.

>> Yes. In my own capacity.

You know, it is very interesting. These are very interesting questions you have posed, Edmon and I'm really sorry that we're missing a social sense of experts in the room. Probably we're touching on something that's already been very well examined and reexamined for generations. I just -- I want to remind you that the democratic principles for example in ancient Greece, of course, were probably the best example. Even at that time with the people exercising direct rather than representative democracy even at that time there were certain groups that were excluded, women, children, slaves, of course, they couldn't -- they couldn't attend those gatherings in the ancient Athens and could not participate in direct vote and that's important to remember in old times I guess there are some exceptions and exclusions and in our case it is that wildlife and probably bacteria who cannot vote or who take part as a stakeholder group at ICANN. Talking about ICANN and IGF and by the way, NETMUNDIAL I would suggest that this, of course, this model is far from being perfect. Why, I would just rather save this for the next session we have on the multistakeholderism. Speaking of, for example, for IGF I don't know if I shared that perspective. , you know, the problem is, the participation, doesn't matter how much we try to promote inconclusively and outreach it is limited because of a number of reasons I'm very much afraid but for these young people in the room that we face each on the part at each and every IGF and the community doesn't grow and that by the way gave rise to certain reflections in some mailing links, I don't know if it is closed or not where George had asked a very interesting question. What are we? He asked.

Then try to elaborate on that. Truly he mentioned that and the community doesn't grow. It hasn't grown actually. For a decade, already a decade in this community, it hasn't grown. Still the 3,000 people roughly represent -- they're there to represent 6 billion strong population and the 3 billion Internet users claiming that they're acting -- they're pursuing that public interest.

This is a very interesting question. To what extent we who are now trying to define for ourselves or whether this or that let's say model is legitimate and appropriate to what extent we have the right or legitimacy to decide for at least 3 billion users, this is a very interesting conceptual question.

>> EDMON CHUNG: Thank you. That seems to be always when you have -- when you want to attack something, that's the easiest way to attack. For example, at ICANN the at large advisory Committee is supposed to represent all users and the easiest attack is you don't represent them. Not everyone is of the billions of people who are using the Internet is on it.

>> Exactly. Yeah. The last comment is that when we talk about inconclusively, everybody can participate and everybody can assign himself to a certain group or herself to a certain group. In fact, all of them and every single person would be rather an imposter because

he or she was not voted for or elected, you know. It is a very interesting model.

NETMUNDIAL, I would just disagree with Marcus. NETMUNDIAL resulted in nothing. That was just -- that was a one-off exercise, we should admit that. It was good but there was no continuation of it. It was supposed to be --

>> The legacy is not there. The legacy is not there. Thank you.

>> EDMON CHUNG: I have Asha, Sahsitz and Jen. We're probably right on time. Keep the interventions short.

>> ASHA: All right. Okay.

Really quickly, you were talking, Edmon, I'm sorry I missed this first -- I thought we could jump in any which order we wanted so I skipped this and I want to come back to it actually. You talked about matching democratic principles with the multistakeholder model and speaking I didn't comment on that, I think I'm a pessimist. I don't think it is possible. That's why I was silent on that.

The model is far from being perfect, we have embraced the concept of rough consensus, we have demonstrated that, you know, we have a success story with the accountability CCWG and we have a long way to go where cultural diversity is it concerned. I want to address your third bullet point there, what happens when stakeholder groupings and boundaries shift or need to be changed as well address the point you mentioned about the community has not grown.

This is -- and then coming back to the cultural diversity, all three points really I feel that there is a lot of work that we still need to do on that. We don't -- we haven't grown, we haven't increased our cultural diversity. This is something we should work on. An example, the IGF U.S.A., they have just set up a sustainability working group. Their terms of reference just came out specifically for setting up a mechanism for the shifting boundaries and to bring in new blood. In fact, -- Larry Strickland mentioned it, this is something that we may wish to consider. The terms of reference are online.

>> EDMON CHUNG: Thank you. You're pessimistic on being democratic matching with the principles, that's why I call this democracy 3.0, the way we define democratic principle now may actually need to change in view of how the Internet has brought these things on us.

>> SATISH: Quick points. First, the rough consensus model as applied in IETF, is that universal model? My reservations -- it works well for IETF but would it work for a much more heterogeneous group, minority groups that don't have the capacity to speak outen and be heard, this is a question that requires addressing.

We have extremely successful models which veer to the other side. I come from the open source community and one of the most successful products is -- there is no apology about this, this works well. When you come to technological communities or communities that are homogenies some of these may work but a true community, whether it works as sufficiently, it may work but as efficiently, that he the

question. The question on the as operational goal for us,
multistakeholder model, is it an end itself report is it for
participating in democracy, I would say it is intermediary perhaps.
The agility required for multistakeholder model to work, this is a
work in progress as somebody has pointed out. It requires a significant
amount of eligibility to be inclusive and that's a witness that -- even
this whole -- what you pointed out, are we represented, we don't claim
to represent users. They claim to represent the interests of users,
that's con tensions, contrived even, that's what we see. that's a
problem in the presentation. Finally, this issue about tolerance
diversity, extreme positions. I believe people should have the space
for being extreme about things. We have to listen, we can't shut them
out.

Even if they're unhappy about the outcomes, we still have outcomes.
That's actually a step towards the right thing I would feel.

Thank you.

>> EDMON CHUNG: Thank you.

I think that the representation and representing the interests
or the views is a very important part of the multistakeholder model
and that also, you know, the real politics may also want to learn
from this as well. These days geographically just because I live in
Hong Kong doesn't mean I share the same views as my neighbors.

I have Adam, Jen, Kenney and then we'll probably run out of time.

It would be good to hear from the group behind if anyone wants
to speak up. I'm Oman from -- this topic for democracy, for me, it
is a bit difficult because people are generally talking about democracy
like it is something in reversal. This is a question to you, the
democracy, it is something that's universal that's -- we want to -- we
want a model that we can apply everywhere in the world. I'm not sure
that it is possible, the answer, but I would like you to say something
about it.

I'm not sure that -- it is something that's possible because
of the culture of diversity.

Talking about the diversity things, Switzerland is a good example
to have people with different languages, different organization, all
of those things, but that can still come together and build something.

When I see people in Hong Kong or Taiwan recently talking about
don't protect their democracy, I don't know what kind of democracy
they're talking about some say they want to teach other countries
about the democracy principles and I take those countries and compare
them to Switzerland, no, is it to you -- are you really a democracy?
I would like to share an idea about some African villages. We talked
about rough consensus. For me it is not really new.

For example, in the African villages when there is a problem
there is a chief and he makes an announcement about a discussion and
everyone should go and meet somewhere, generally under a big tree
and we should discuss because it is a village maybe 2 it,000 people.

Those interested come and discuss, and discuss, it is not a debate. You cannot -- it is difficult to reach consensus when it is a debate. For a debate people come and say this is my position, this is my -- you don't want to listen. Just speak up. We don't listen to others. Discussion, you have to talk and find something in the middle. You have to listen to others. This is -- I think this is something that people miss when they come to discuss and you come with a position and it is difficult and you have to discuss.

     After this decision the chief can take the result to another village if there is a problem in the village, you take this result to. The rough consensus for me is not really new. Maybe it is difficult to apply it in a more global situation because there's a lot of people because diversity -- I should say that there are 7 billion diversities, each one of us has something to say about it. A French philosopher said democracy is impossible with so much people. It is like he agrees with the multistakeholder but we should form different groups and talk with each other, take the result and find someone like even if it is by vote or we choose someone, okay, this is what we think. Go, tell it to other people. He will go, say, okay, finally our group, this is what we think, the decision, it can be more democratic and people can agree more about the different issues. This is what I can share about this topic. Thank you.

     >> EDMON CHUNG: What you just said, it is exactly how I started this exploration. The democratic systems that we're taught by certain cultures may not be universal after all and Internet -- in the Internet Governance may allow us to rethink what we call democratic systems, how we think about -- what I call democracy, how democratic you are, voting, decision making and, you know, representation. As we go along the path of Internet Governance, as these multistakeholder model and rough consensus models evolve we may actually be able to rethink what we call today as democratic systems and change those to fit the new world with the Internet.

     That may actually look more like the past where people get together and make decisions than, you know, vote somebody to speak for you.

     Then, you know, vote again in a few years' time. That's, I think the starting point of my deliberations certainly and I will leave it to Kenney for the last word.

     >> KENNY HUANG: Sorry. I lend my opportunity to the floor. I think we're running out of time.

     >> EDMON CHUNG: We have one spot left! I have ran out of things to say!

     >> KENNY HUANG: Just to clarify, I hear people keep mentioning about how successful the transition is going to be. Yes. It is so far. So far it is a successful model. It doesn't reflect to any specific item. The reason it was successful, you accumulate a lot of preparation task, it is a community decision done by 3, 4 years ago. There is a had great momentum from the community. I think so

far it is very successful and I appreciate the tremendous work done
by the working group, I appreciate that work that's been impressed
by people and that's the last mile. All of the decisions, they're
here in the end of September but up to that, we can start to discuss
how to compose the transition into the different theoretical model.
That's what I try to clarify. Thank you
     >> EDMON CHUNG: Thank you.
     That really brings us to the end.
     I thank everyone for joining me on this particular journey. I
think it is -- when we talk about Internet Governance and how to improve
it over time here I think it will have a relationship with politics
and with public policy development as well and I think it is time
we think about that side of the equation as well and what we do here
will impact how people interact and think about political
representation and political decision making as well and at least
I hope that would be the case because my feeling is that the democracy
diversity comes in a diverse way and how -- and the Internet effects
not only our lives and how we make decisions together and perhaps
with the Internet we can rethink a lot of things that we take for
granted when we think about democracy and we think about representation.
That's the idea, before we can even do that, we need to continue to
mature and improve what we call multistakeholder approach in the
Internet, like global Internet governance process and hopefully they
actually go in parallel. That's sort of the crux and starting point.
perhaps the end point as well for this series which I call Democracy
3.0. Thank you, once again, for joining and please give a round of
applause to the panelists.
     Thank you.

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