FRAMEWORK FOR MULTISTAKEHOLDER CYBER POLICY DEVELOPMENT

Acknowledgements

Contents

Foreword

Cybersecurity, and the threats associated with it, is a complex policy area. This complexity demands approaches to policy development which are inclusive, expertise driven, and which engage a broad range of stakeholders – a need which has been recognised by several influential bodies, including the Freedom Online Coalition[1], the Global Conference on Cyberspace[2], and the United Nations Group of Governmental Experts[3]. Such approaches tend to yield policies which are more appropriately targeted, effective and comprehensive.

Despite this, use cases of multistakeholder approaches to cyber policymaking are rare. Research shows that stakeholders may not know where to start in setting them up, or feel daunted by a perceived difficulty.

The purpose of the Multistakeholder Framework for Cyber Policy Development is to make such approaches more comprehensible and to facilitate their implementation. It provides an all-in-one tool for anyone who wants to create a multistakeholder cyber policy process, or assess and evaluate an existing one.

HOW THE TOOL WORKS

Section 1 sets out the three stages that policy development processes usually follow – explaining the key considerations and other critical factors behind successful policy development.

Section 2 outlines the four characteristics that underpin the multistakeholder approach, along with illustrative questions.

Section 3 includes a removable worksheet which can be used to set up a new multistakeholder policy development process and/or to evaluate the extent to which an existing process reflects the multistakeholder approach.

A digital version of the Framework is available at https://www.gp-digital.org/publication/multistakeholder-framework/

WHO IS THIS GUIDE FOR?

The Framework is for anyone with an interest or role in policy development related to technology, governance, cyber policy and the internet. It is flexible enough for any stakeholder to use and is meant to be adapted according to specific needs.

1. Freedom Online Coalition https://freedomonlinecoalition.com/

2. Global Conference on CyberSpace https://gccs2017.in/

3. United Nations General Assembly; Report of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security; A/68/98*; 24.06.13. http://www.unidir.org/files/medias/pdfs/developments-in-the-field-of-information-and-telecommunications-in-the-context-of-international-security-2012-2013-a-68-98-eng-0-518.pdf

01

Stages of policy development

While policy processes come in various shapes and sizes, the development of a policy tends to follow three stages that are the focus of this Framework:

01 Policy process formation
02 Policy drafting
03 Policy agreement

These three policy stages are also those where a multistakeholder approach will add the most benefit and where the opportunity for stakeholder engagement is greatest. These policy stages are elaborated on the following pages.

Note: These three stages can be preceded by a ***policy scoping*** stage and, in some cases, may culminate in formal ***policy adoption.*** In many cases, these stages may involve only one stakeholder or stakeholder group. Although policy scoping and adoption fall outside the scope of this Framework as they may or may not occur in a multistakeholder manner, they are critical to the overall policy development process. Multistakeholder approaches may also be applied to policy implementation and monitoring.

1

Policy process formation

At this stage, the operating procedures that will guide the policy development process to its eventual outcome are established, including, among others, rules of engagement and mechanisms for agreeing the outputs.

Things that should be done at this stage:

- Establishing common goals and objectives through a charter or other tool;
- Agreeing a timeframe, and setting milestones and deliverables;
- Putting in place process, leadership and decisionmaking mechanisms, including procedures for dealing with bad actors.

Key considerations:

- The greater the specificity at this stage – and the more commitment from the parties involved to work collaboratively – the greater the likelihood of success.

2

Policy drafting

This stage is where the policy begins to take shape. The drafting process may need to take into account public comments and other inputs, from initial brainstorming right through to the final policy proposal.

Things that should be done at this stage:

- Structuring and agreeing the approach to drafting;
- Identifying areas requiring expert input;
- Putting a call out for initial public input;
- Calling for public comment on the draft(s), final review, etc.

Key considerations:

- Policy drafting is not a linear process. Some or all steps in this stage may need to be repeated several times. For example, there may have to be more than one opportunity for inputs, and two or more rounds of drafting and review.

3

Policy agreement

As the drafting is underway, it is critical that there is ongoing agreement as to how the policy proposal is evolving. And once the drafting is concluded, the output – whether that's, for example, a legislative proposal, or recommendations towards self-regulation – should be agreed among the participating stakeholders.

Things that should be done at this stage:

- Achieving consensus (full or rough, as agreed in the Formation Stage);
- Agreeing the policy and forwarding on to those parties who are in a position to adopt it;
- If consensus is not possible then subject to procedures agreed in Formation Stage the policy may return to the Drafting Stage.

Key considerations:

- Success at this stage will often depend on how well buy-in has been secured during the Policy Drafting Stage. Regular "consensus checks" during the Drafting Stage are a useful tool in this regard.

02

Multistakeholder characteristics

There are four key characteristics that underpin any multistakeholder policy development process:

01 Open and accessible
02 Inclusive
03 Consensus-driven
04 Transparent and accountable

These characteristics are not a one-size-fits-all. The ways in which they are applied at each stage of the policy process may need to differ depending on the issue in question, as well as other factors. These parameters should be elaborated in the early stages of the policy development process.

The characteristics are also mutually reinforcing and interdependent. Open and accessible policy processes are a prerequisite for inclusive and informed dialogue in which the participating stakeholders contribute their views and expertise as equals. This dialogue in turn leads to building trust between stakeholders, which is a prerequisite for collaboration and consensus-driven decisionmaking. Finally, a commitment to transparency and accountability across the policy development stages builds confidence in the overall process and certainty in its outcomes.

In this section, these characteristics are further elaborated and accompanied by illustrative questions, which can be used to help set up a multistakeholder policy development process and/or assess the degree to which a process reflects these characteristics.

1

Open and accessible

This characteristic refers to the extent to which participation in the process is open and accessible to relevant stakeholders. This may take the form of active measures to enable participation (e.g. notice given well in advance and distributed via relevant channels), as well as efforts made to address obstacles that may prevent or discourage it.

Illustrative questions:

Open to relevant stakeholders

- Were relevant stakeholders allowed to participate?
- Were relevant stakeholders notified that the process was happening?
- Was the process advertised widely, and was enough notice given for relevant stakeholders to prepare and attend?

Accessibility to people of all backgrounds and abilities

- Were there any barriers preventing stakeholders from participating, such as: financial; geographical; language or cultural; barriers based on disability, race, religion, gender, sexuality; bureaucratic/administrative.
- Were necessary provisions made so that relevant stakeholders could participate?
- Were discussions, documents and resources in an accessible format?

2

Inclusive

Assessing the degree to which a process is inclusive means looking at both the extent to which the different views and interests of the relevant stakeholders are heard and considered, and the extent to which deliberations are informed and evidence-based.

Illustrative questions:

Existence of meaningful participation

- Were all participating stakeholders given the opportunity to contribute on an equal basis?
- Were all inputs given due consideration?
- Was there justification for the inclusion or exclusion of inputs?
- Were all inputs published?

Existence of evidence based and informed deliberations

- Was relevant research conducted to support the process and give stakeholders a baseline level of knowledge?
- Where expertise was lacking, did the group have access to balanced expert opinion and resources?

3

Consensus-driven

In a consensus-driven process, the participants act with common purpose, in a collaborative manner and, as far as is possible, take decisions by general agreement. Compromise also plays an important role in multistakeholder processes; the willingness of stakeholders to cede ground is often a necessity to achieving consensus. Conversely, a lack of collaboration and common purpose will make consensus-driven decisionmaking difficult or impossible.

Illustrative questions:

Existence of common purpose

- Did stakeholders agree on a common purpose or goal?
- Did stakeholders remain committed to the common purpose?

Level of trust and collaboration

- Were stakeholders able to build strong relationships with each other?
- Did stakeholders collaborate and, where necessary, compromise?

Degree to which decisions are taken by consensus

- In practice, did the group act by general agreement (consensus), as far as was possible?
- How were dissenting views taken into account and documented?

03

Worksheet

4

Transparent and accountable

Clearly defined and transparent procedures and mechanisms are essential to the success of a multistakeholder policy development process. These can include disclosure of stakeholder interests, systems of records management, clear and functioning lines of accountability internally between the leadership and group, as well as externally between stakeholders and their wider communities.

Illustrative questions:

Clarity of stakeholder interests

- Did stakeholders declare their interests and affiliations?

Existence of procedures and mechanisms

- Was there an agreed set of mechanisms and procedures from the outset, such as: inclusion and exclusion of inputs, decisionmaking power and methods, accountability and redress?
- Were agreed procedures and mechanisms meticulously followed at all times?

Existence of records management systems

- Were discussions and decisions fully documented?
- Were discussions and decisions fully and publicly disclosed?

Existence of lines of accountability

- Were accountability procedures and mechanisms adequate?
- In practice, was the leadership accountable to the group as a whole? Were stakeholders accountable to the group as a whole?

As outlined and explained above, the Framework comprises two core elements: a set of policy development stages, and a set of characteristics which define a multistakeholder process.

The Worksheet, enclosed at the back of the guide, provides a means of applying the Framework in practice. There are two main ways you can use it:

1. to create a multistakeholder policy development process
2. to assess an existing policy development process.

Note: the Worksheet is an adaptable, editable tool. For some processes, all stages may not need to be filled out. Editable versions of the worksheet in A3 and A4 format can be downloaded at https://www.gp-digital.org/publication/multistakeholder-framework/

1. To create a process

Here, the Worksheet functions as a kind of 'to-do list' to help plan setting up a process. Start from the left hand side, in the Policy Process Formation column. What needs to be done to make sure your work at this Policy Stage meets the four characteristics listed vertically? Refer to the 'Things that should be done at this stage' and 'Key considerations' in **Section 1** and the 'Illustrative questions' in **Section 2** for guidance. Then fill out the rest of the Worksheet in the same way.

Example

	POLICY PROCESS FORMATION
Open and accessible	How will I involve relevant stakeholders in setting common goals and objectives? **I will organise a multistakeholder roundtable**

2. To assess an existing process

This is a way of looking back on an existing or completed process to see if each stage followed the right protocols, and met the multistakeholder characteristics. Again, use the questions and considerations in **Section 1** and **Section 2** as a reference point.

Example

	POLICY DRAFTING
Consensus-driven	Did stakeholders remain committed to the common purpose? **Through regular consensus calls stakeholders remained committed to the process and supported the final policy product.**

Sources

1. World Summit on the Information Society – Tunis Agenda for the Information Society

2. Internet Corporation for Assigned Names and Numbers – Generic Names Supporting Organisation – Policy Development Process

3. Internet Corporation for Assigned Names and Numbers – Draft Uniform Framework for a Cross Community Working Group (CCWG) Life Cycle: Principles and Recommendations

4. Internet Governance Forum (IGF) 2014 – Best Practice Forum on Developing Meaningful Multistakeholder Mechanisms

5. NETmundial - NETmundial Multistakeholder Statement: Internet Governance Principles

6. Internet Rights & Principles Coalition – Charter of Human Rights and Principles for the Internet

7. Organisation for Economic Co-operation and Development – Principles for Internet Policy Making

8. Council of Europe – Declaration by the Committee of Ministers on Internet governance principles

9. African Declaration on Internet Rights and Freedoms

10. Multi-stakeholder Advisory Group on Internet Governance

11. Global Partnership for the Prevention of Armed Conflict – Multistakeholder Processes for Conflict Prevention and Peace-building: A Manual

12. The MSP Guide: How to Design and Facilitate Multi-Stakeholder Partnerships

13. Regional Internet Registries

14. Internet Society – Internet Governance: Why the Multistakeholder Approach Works

15. Association for Progressive Communications (APC) – APC Internet Rights Charter

16. World Summit on Sustainable Development (Earth Summit 2002) - Multi-Stakeholder Processes: A Methodological Framework
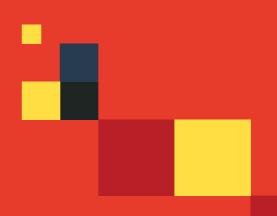
Feedback

The Framework is an evolving tool – submission of use cases, and in particular how the Framework has been adapted to local circumstances and requirements, is encouraged and can be done by email to info@gp-digital.org