Measures for stakeholder engagement in the UN Group of Governmental Experts and Open-Ended Working Group
A Global Partners Digital Briefing

About Global Partners Digital

The advent of the internet – and the wider digital environment – has enabled new forms of free expression, organisation and association, provided unprecedented access to information and ideas, and catalysed rapid economic and social development. It has also facilitated new forms of repression and violation of human rights, and intensified existing inequalities. Global Partners Digital (GPD) is a social purpose company dedicated to fostering a digital environment underpinned by human rights and democratic values. We do this by making policy spaces and processes more open, inclusive and transparent, and by facilitating strategic, informed and coordinated engagement in these processes by public interest actors.

1. Introduction

The purpose of this brief is to provide practical measures to ensure meaningful input by non governmental stakeholders on the issues which will be discussed by the UN's First Committee Group of Governmental Experts (GGE) and Open-Ended Working Group (OEWG), as established by resolutions A/RES/73/266 and A/RES/73/27 respectively. For both the GGE and the OEWG, we emphasise the need for transparency and openness in order to ensure meaningful input. This requires for example, a variety of ways to engage, e.g through both online and in-person consultations. Sufficient advance notice should also be provided for participation in meetings and guiding questions should form part of any advance notice or invitation to a consultation. Combined, these measures will help ensure that input is directly relevant to member state discussions.

By non-governmental stakeholders, we refer to the technical community, private sector, academia and civil society organisations, among others. In suggesting these measures, we draw on examples of good practice in facilitating stakeholder engagement including within the UN system.

Section 2.1 outlines measures specific to the OEWG, section 2.2 includes those specific to the OEWG and section 2.3 suggests cross-cutting measures applicable to both the GGE and the OEWG.

2. Measures to facilitate stakeholder engagement

2.1 GGE

Relevant text from the resolution (A/RES/73/266)

"[….]Stressing that, while States have a primary responsibility for maintaining a secure and peaceful information and communications technology environment, effective international cooperation would benefit from identifying mechanisms for the participation, as appropriate, of the private sector, academia and civil society organizations..."

"[...]Requests the Chair of the group of governmental experts to organize two two-day informal consultative meetings, open-ended so that all Member States can engage in interactive discussions and share their views, which the Chair shall convey to the group of governmental experts for consideration...;"

"[...]Requests the Office for Disarmament Affairs of the Secretariat, through existing resources and voluntary contributions, on behalf of the members of the group of governmental experts, to collaborate with relevant regional organizations, such as the African Union, the European Union, the Organization of American States, the Organization for Security and Cooperation in Europe and the Regional Forum of the Association of Southeast Asian Nations, to convene a series of consultations to share views on the issues within the mandate of the group in advance of its sessions...;"

Intersessional consultations

A/RES/73/266 mandates the UN GGE to convene 'two two-day informal consultative meetings' to feed into the group's discussions. In order to facilitate stakeholder engagement in the process, this invite for input should be extended to non-governmental stakeholders.

In particular, the following recommendations should be considered to ensure meaningful engagement:
- Consultations, including relevant background documentation (e.g. agendas, guiding questions) should be widely advertised in a timely manner.
- Accreditation for any informal intersessional meetings should be open to any organisations with relevant experience or expertise (extending beyond ECOSOC or DPI status). Participation should be based on predetermined set of criteria, including for example, previous engagement and experience on the issues relevant to the GGE's agenda.
- The consultations should be webcast and all the interventions should be publicly available afterwards on a dedicated website.
- The consultations should involve ample time for audience participation and interaction, including via remote participation.
- Any interactive panel discussions should ensure that invitations for speakers are based on a transparent set of criteria, to reflect the expertise and experience of a range of non-governmental stakeholders.
- The in-person consultations should be preceded by online consultations based on a set of questions on issues that directly feed into the GGE's discussions.

Although only two informal consultative meetings ahead of the relevant GGE meetings are formally required, further informal intersessional consultative meetings could be considered. In this case, the consultations should follow the above recommendations.

Consultations with stakeholders at identified regional forums

A/RES/73/266 calls for pre-meeting consultations at identified regional forums. The GGE should leverage the regional consultations and expand them to include consultations with non-governmental stakeholders. This could be done either by facilitating stakeholder engagement in the forums themselves, or by hosting additional consultations on the sidelines.

In particular, the following recommendations should be considered to ensure meaningful stakeholder engagement at regional forums:
- The consultations should be well-advertised: discussions should proceed according to a transparent agenda that relates directly to the GGE's agenda.
- The consultations should include opportunities for remote participation.
- There should be an online consultation prior to any in-person consultation, which should be advertised in advance.
- Inputs to the regional consultation by all stakeholders should be made publicly available.

2.2 OEWG

Relevant text from the resolution (A/RES/73/27)

"[...]Stressing that, while States have a primary responsibility for maintaining a secure and peaceful ICT environment, effective international cooperation would benefit from identifying mechanisms for the participation, as appropriate, of the private sector, academia and civil society organizations,[...]"

"[...]States should encourage the private sector and civil society to play an appropriate role to improve security of and in the use of ICTs, including supply chain security for ICT products and services. States should cooperate with the private sector and the organizations of civil society in the sphere of implementation of rules of responsible behaviour in information space with regard to their potential role;[...]"

"[...]to provide the possibility of holding, from within voluntary contributions, intersessional consultative meetings with the interested parties, namely business, non-governmental organizations and academia, to share views on the issues within the group's mandate[...]"

Participation in the OEWG sessions

As a minimum, the OEWG sessions should be open to all ECOSOC accredited NGOs and organisations with DPI status.

In addition, participation in OEWG sessions should be open to any stakeholders with relevant experience or expertise. Accreditation of these stakeholders should be based on a predetermined set of criteria, including for example, previous engagement and experience in the issues relevant to the OEWGs agenda. This process should be underpinned by the principles of transparency, accountability, inclusivity, and non-arbitrariness (i.e. it should not be subject to a no-objection basis). To assist in the process of accreditation, the Secretariat could consider instituting a multistakeholder Advisory Committee or equivalent (for reference, see for instance the Stakeholder Selection Committee instituted during the 2015 WSIS+10 High Level Review, as provided by the United Nations Non-Governmental Liaison Service[1].

---

[1] https://publicadministration.un.org/en/

All accredited stakeholders should be allocated timeslots to make statements at the OEWG meetings. In addition, the OEWG sessions should be webcast.

In the interests of transparency and inclusivity, a dedicated webpage should be set up for the OEWG sessions, and which should contain all relevant documents including:
- Documents prepared for reference for discussions (e.g by other UN agencies)
- Statements and interventions by all stakeholders
- Details of opportunities to host side-events and NGO briefings

Intersessional consultations

The resolution A/RES/73/27 includes the possibility of holding, from within voluntary contributions, intersessional consultative meetings with the interested parties.

States should provide support for the OEWG to host intersessional consultations with a wide range of stakeholders. These intersessional consultations should proceed according to the same criteria as included above, namely:
- Consultations, including relevant background documentation (e.g. agendas, guiding questions) should be widely advertised in a timely manner.
- Accreditation for any informal intersessional meetings should be open to any organisations with relevant experience or expertise (extending beyond ECOSOC or DPI status). Participation should be based on a predetermined set of criteria, including for example, previous engagement and experience in the issues relevant to the OEWG's agenda.
- The consultations should be webcast and all the interventions should be publicly available afterwards on a dedicated website.
- The consultations should involve ample time for audience participation and interaction, including via remote participation.
- Any interactive panel discussions should ensure that invitations for speakers are based on a transparent set of criteria, to reflect the expertise and experience of a range of non-governmental stakeholders.
- The in-person consultations should be preceded by online consultations based on a set of questions on issues that directly feed into the OEWG's discussions.

2.3 Cross-cutting measures

While not referred to in the resolutions, in order to support meaningful stakeholder engagement at both the OEWG and the GGE, the following measures could also be considered:
- Member states could host their own national consultations with relevant stakeholders.
- Additional consultations with non-governmental stakeholders could be held at relevant global forums including, but not limited to: the Internet Governance Forum, RightsCon, the Global Conference on Cyberspace, Cycon, the Commonwealth Cybersecurity Conference, the OSCE Forum for Cooperation.
- UNIDIR could extend the annual cyberstability conference 2019 and 2020 by one day, in order to host a full-day pre-conference consultation with non-governmental stakeholders on issues of relevance to the GGE and OEWG agendas.
- The UNODA could submit a report prior to each GGE and OEWG session which summarises input from online consultations and any relevant in-person consultations, including at relevant regional forums, and can help provide streamlined input from non-governmental stakeholders.
- All accredited organisations should be provided with the opportunity to conduct NGO briefings and side events alongside the GGE and OEWG sessions.