

GISWatch
10th anniversary

GLOBAL INFORMATION SOCIETY WATCH

*National and Regional Internet
Governance Forum Initiatives (NRIs)*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)

Global Information Society Watch

2017



Global Information Society Watch 2017
National and Regional Internet Governance Forum Initiatives (NRIs)

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Financial support provided by



APC would like to thank the Swedish International Development Cooperation Agency (Sida) for its support for Global Information Society Watch 2017.



Published by APC

2017

Printed in USA

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Global Information Society Watch 2017 web and e-book

ISBN: 978-92-95102-84-2

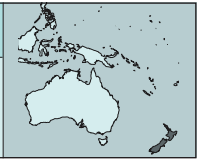
APC-201711-CIPP-R-EN-PDF-274

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A special edition of GISWatch, "Internet governance from the edges: NRIs in their own words", is being published as a companion edition to the 2017 GISWatch annual report. It looks at the history, challenges and achievements of NRIs, as recounted by their organisers. It is available at <https://www.giswatch.org>

NEW ZEALAND

INTERNET GOVERNANCE IN NEW ZEALAND: NETHUI



InternetNZ

Joy Liddicoat, Jordan Carter and Ellen Strickland
<https://www.internetnz.nz>

Introduction

“Internet governance” is an interesting abstraction to present to a policy community in a country as small and as liberalised as New Zealand. With an open, stable democratic government and transparent public policy processes, many would assume that there is little “governing” to do. If “governing” was considered necessary, a “hands-off” approach might well be considered best, with leadership coming as needed from the combined efforts of the technical, academic, community or private sectors, rather than government.

This fundamental assumption informed the creation of InternetNZ, a multistakeholder NGO established in 1995 to be the vehicle for local internet community control of the .nz country code top-level domain (ccTLD) – a role it plays to this day. It also supported the development of New Zealand’s version of an Internet Governance Forum (IGF). That event, NetHui, sees its sixth nationwide event a month before the 2017 global IGF.

This report looks at the development of NetHui, and its links to the earlier multistakeholder experiment (and NetHui founder) InternetNZ. We highlight the powerful contribution that a few well-connected and well-informed individuals can make in a small policy community. We argue that a diverse, participatory event inspired by global antecedents provides a useful contribution to national decision making, including general support for a “hands-off” multistakeholder approach. The key suggestion is that a completely discursive format can work and should be tried by others.

Policy, economic and political background

New Zealand is a small, open economy far away from almost everywhere. Developed first by indigenous Māori from the 11th century, then by predominantly British settlement from the 1800s, it is a multi-ethnic, bi-cultural nation state that is well developed by global standards and enjoys a high degree of peace, stability and economic well-being.

A significant concern in 2017 is increasing unequal distribution of cultural and social well-being and economic success, resulting in significant inequalities and high rates of child poverty.

New Zealand’s government administration is very small, never having a depth of personnel to deal with internet policy. Before the commercialisation of the World Wide Web from the mid-1990s, there was little attention to internet policy making. Regulation focused on ensuring existing laws took into account new technologies (for example, changes to criminal law to permit searches of computers) or on deregulation of the emerging markets in which technology providers were seeking to deploy new services.

The result was that a small, expert policy community emerged, strongly connected with InternetNZ and the technical community. This community was looked to by public policy makers and became very influential in shaping regulatory approaches to a range of internet policy issues. But by the mid-2000s, this community was under pressure from its voluntary nature, its small base of expertise and the increasing number of internet policy issues needing inputs. InternetNZ needed to be more open, develop new and inclusive ways of working, and build community capacity to strengthen the local Internet community

Shaping a unique expression of the IGF

While this report deals with the difference that a small community can have, it is the efforts of one person in particular, Frank March, that made building NetHui as a distinctive national IGF possible.

March was a public servant and internet technologist in the New Zealand government, academic and internet communities. He was an official in the government agency that became responsible for internet policy, and was active in the foundation of InternetNZ as the steward of the .nz domain. He later served on InternetNZ’s governing council in a range of offices including as president from 2009 to 2014.

For most of this time, March was also the New Zealand government’s representative on the Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and

Numbers (ICANN),¹ and was an influential voice supporting the development of ICANN’s distinctive multistakeholder model of governance rather than seeing ICANN’s functions moved to a more inter-governmental approach. He both represented that position on New Zealand’s behalf, and helped to shape it as New Zealand policy.

A formative experience was being posted to Geneva to be part of the secretariat of the World Summit on the Information Society (WSIS). He served in that role in 2004, and helped write parts of the report that became the 2005 WSIS declaration. These experiences shaped an understanding of the multistakeholder approach to internet governance and the role of government in such an approach.

March continued in his role as GAC representative and as a supporter of InternetNZ’s role and involvement in the global internet community when elected president of the InternetNZ Council in 2009. Collaborating with then chief executive Vikram Kumar, he inspired the foundation of NetHui as a national IGF for New Zealand. That inspiration drew on the multistakeholder experiences from the global IGF and related processes.

Imbued in the foundation of the event was a commitment to two core process approaches that are a little bit different from other IGFs. One is the discursive style of the event; the other is the community collaboration that leads to the programme’s creation.

Forum style

When deciding on the style of the forum, InternetNZ considered the traditional panel-centric event and found it unsatisfactory. Criticism included that speakers were rushing through over-long presentations; had an inability to stick to time limits; and generally saw up to three token questions from the audience before participants were rushed along to the next session. Typically there would also be a plenary with speakers in “town hall” style, with somewhat formulaic interventions from the floor (which often involved stakeholders with vested interests in repeating their key messages with little new input or genuine debate).

This approach can be content rich but dialogue poor, and has been witnessed by the authors at events nationally, at regional IGFs such as the Asia Pacific Regional IGF (APrIGF) and the Pacific IGF, as well as the global IGF itself.

New Zealand wanted to do something different. The NetHui format draws from indigenous Māori culture, specifically the concept of a “hui”. The word “hui” translates as “meeting” or “gathering” and is widely used to refer to a gathering of any kind: to discuss more formal matters in traditional communal settings (*marae*), or more informal matters or specific issues. Being well known in New Zealand as a concept, InternetNZ drew from this wider understanding to focus on the internet and a *hui* format to make an open call to bring diverse communities together.

The core building block in NetHui is the dialogue session: 60 minutes in a U-shaped room, on an identified topic (see below on topic selection), with two facilitators who, crucially, do not present on the topic. They facilitate the dialogue between participants in the room, striving to help the conversation develop in whatever direction emerges.

This approach has positives and negatives. With great facilitation and the right set of participants, it can lead to a highly stimulating, creative session that generates new insights, a synthesis, teases out a difficult debate or leads to a startling consensus. With poor facilitation and if participants have divergent or unformed views (or if one side of a debate has a dominant presence) it can be less of a success. But the principle is clear: this is a dialogue open to all to add their views and to do so with respect; not a lecture from on high. On balance, this approach has been highly successful and led to NetHui being very popular and able to be sustained as a forum.

NetHui has now been held as a national event five times in Auckland, New Zealand’s largest city, and once in Wellington, New Zealand’s capital. These national events have been sponsored, with a very low entry cost, resulting in the events being fully subscribed out each year with a capacity of approximately 300 to 500 participants.

While mostly taking place in the largest city of Auckland, NetHui has also been held in some of the regional centres and towns: twice a NetHui South was held in New Zealand’s South Island and in 2017 NetHui events included a “Road Trip” which was comprised of three one-day events in regional centres in both the North and South Island of New Zealand.

NetHui 2017 sees a further evolution – to allow for “content first” approaches, some “Download” sessions have been developed in which presentations may happen and someone leads a discussion rather than opens the floor. These sessions help participants who may know little on a topic to better understand and feel confident to contribute to a subsequent topic discussion.

¹ <https://www.icann.org>

Programme creation

The second feature of NetHui is the approach to programme creation. Rather than a call for proposals in the traditional manner, InternetNZ staff brought together and curated a wide range of stakeholders interested in developing workshop proposals, connected them with each other, and held open sessions to discuss, debate and finalise the programme. Anywhere between 50 and 80 topic proposals are received from an open proposal process, and between 30 to 50 facilitators and session leaders end up being involved in creating the programme.

This contrasts with an earlier approach to create a domestic equivalent of a Multistakeholder Advisory Group to “own” the IGF-style event. That was attempted but did not lead to adequately broad participation. This was partly due to the small size of the local policy community: there are few actors with the resources to lead such an approach across the full range of stakeholders. However, taking an organic response and adapting to this, it was clear there were more people who are available and can take the time to be participants in a process created by others. Stepping back from the substance and helping others to determine content for themselves has been more successful.

The style and format of NetHui, if it is to be effective and responsive, must continue to evolve. In its sixth year, and as with other regional and global events, participants do sometimes ask, “What are the concrete outcomes?” Although many who attend repeatedly share stories about the impacts that the event can have, for practice and policy, it is often within stakeholder groups rather than across them. An example of an outcome of the event for business stakeholders is the New Zealand Cloud Code of Practice, which first gained traction and was initiated as a project at NetHui 2011.²

The NetHui format has attempted to develop outcomes, but with limited success, for several reasons. In general, the public policy-making process in New Zealand is already open and accessible and a new forum to directly shape those processes was not seen as necessary. Instead, those participating in NetHui have tended to use the event to develop and test ideas, hear different views, and share insights, rather than to seek consensus on issues that can then be taken into other processes including public policy-making processes, business practice and research and technical development. In addition, participants generally seem more interested

in learning and hearing a diversity of views, rather than workshops or other sessions where outcome documents are drafted to capture agreements on issues of the day.

While, therefore, there have been no outcome statements as such, there is clear evidence that NetHui has directly contributed to the development of new internet public policy. For example, discussions about a digital bill of rights in 2012 lead to three political parties including a digital bill of rights in their party manifestos. In the recent general elections, two of the governing political parties, the Labour Party and the Green Party, made reference to these in their policies. Discussion about harmful digital communications, such as cyberbullying and online harassment, informed the development of the Harmful Digital Communications Act 2015.³ NetHui continues to be a place that monitors these developments.

Summary of insights

NetHui participants comment in event feedback that NetHui is an unusual event – it is unlike any conference or other event in New Zealand. As *the* multistakeholder internet event in New Zealand, NetHui brings together stakeholders from business, government, civil society and the technical and academic sectors in a unique space. The power relationships between these stakeholder groups vary, as do their relationships outside of NetHui, which impacts on the dynamics and exchanges in NetHui events. NetHui has evolved to meet some of these challenges and some of the challenges are still being navigated.

As in other places, the growing impact of the internet means more people and organisations are affected by and interested in its development. Our reflection is that it may be time to make another, more structured effort at a more devolved, community-wide ownership of the event and the programming process, to ensure the event continues to be and be seen as relevant to the local internet community. This might involve InternetNZ stepping back from its current role, if others in the community are willing and able to do more.

Our final reflection is on whether there might be other innovations from other IGFs that could usefully be brought to New Zealand. These might include, for example, ongoing working groups on enduring themes, or preparation of consensus contributions to policy debates or best practice dialogues. These might be useful as New Zealand continues to

2 <https://cloudcode.nz/History#call>

3 www.legislation.govt.nz/act/public/2015/0063/latest/whole.html

grapple with the internet's impact and the challenge that NetHui faces to bring diverse stakeholders together to help shape the future of the internet for New Zealand

Regional reflection

NetHui has been hosted alongside an Internet Society (ISOC) Intercommunity⁴ event and InternetNZ has supported the two Pacific IGFs held to date. Participation from New Zealand has been regular if not completely representative at APriIGFs. InternetNZ has also provided small numbers of scholarships for NetHui and supported the same for regional and global events (most notably the IGF held in Indonesia in 2013, where four local internet community participants were sponsored to attend).

InternetNZ's international programme aims to share insights from NetHui regionally and globally and has done so through the regional and national initiatives (NRIs) track at various events. Participants also share insights from the regional and global context in New Zealand debates. These linkages could be more formal and transparent through some mechanism that gave visibility to the links, participation and insights – perhaps a simple website.

Conclusions and action steps

Responding to New Zealand's specific context, InternetNZ has managed to innovate in the IGF format, along with being the primary funder of NetHui. A key challenge has been the small policy community and different perspectives on internet governance. The link between the impact of the individual and the approach to NetHui described above is important.

March was in a position, with access to networks and resources and insight, to lead the community in developing and making NetHui happen. Having created the space, the community responded and has much more leadership in developing the event, meaning that InternetNZ's role has changed to one of platform provider, rather than content creator.

In future we suggest the following action points:

- NetHui must continue to evolve to remain relevant and of interest to New Zealand stakeholders interested in the future of the internet and its impacts.
- NetHui participants and organisers must increase understanding among stakeholders of the benefits of engaging in inclusive bottom-up-led processes in a non-commercial event, where people help shape the event and agenda but must engage with diverging perspectives.
- NetHui must maintain a safe environment where marginalised and vulnerable communities have safe spaces to engage in this multistakeholder dialogue. Building meaningful youth participation in a way that is appropriate and meaningful for participants is an ongoing area of action.
- Understanding of NetHui should be deepened by mapping impacts. The actions of one person, and the efforts of different stakeholders, can have far-reaching ripple effects. This includes understanding the impact of policy discussions at NetHui, seeing potential benefits of a more deliberative approach, as well as capturing the important outcomes of programme creation that is truly bottom-up and organic in nature.

⁴ ISOC's annual member meeting.

National and Regional Internet Governance Forum Initiatives (NRIs)

National and Regional Internet Governance Forum Initiatives (NRIs) are now widely recognised as a vital element of the Internet Governance Forum (IGF) process. In fact, they are seen to be the key to the sustainability and ongoing evolution of collaborative, inclusive and multistakeholder approaches to internet policy development and implementation.

A total of 54 reports on NRIs are gathered in this year's Global Information Society Watch (GISWatch). These include 40 country reports from contexts as diverse as the United States, the Democratic Republic of Congo, Bosnia and Herzegovina, Italy, Pakistan, the Republic of Korea and Colombia.

The country reports are rich in approach and style and highlight several challenges faced by activists organising and participating in national IGFs, including broadening stakeholder participation, capacity building, the unsettled role of governments, and impact.

Seven regional reports analyse the impact of regional IGFs, their evolution and challenges, and the risks they still need to take to shift governance to the next level, while seven thematic reports offer critical perspectives on NRIs as well as mapping initiatives globally.

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2017 Report

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