

United Kingdom

Opening Up the Policy Making Process: the UK Multi-stakeholder Advisory Group on Internet Governance

Introduction

1. There is an increasingly strong emphasis on opening-up the policy making process because of the clear value that this can bring to all stakeholders. There are many different approaches used around the world by organisations, governments and international organisations but they all share the same overall aim to develop better policy and to deliver better outcomes. It is not always straightforward for organisations to open up their policy-making: it can require significant time and commitment and it can sometimes lead into unfamiliar territory. But it has become an essential step because of the tremendous benefits that more open and collaborative approaches can bring.
2. This paper describes one example of how the UK Government has sought to open up its policy making process to different stakeholders: the Multi-stakeholder Advisory Group on Internet Governance (MAGIG). The purpose of this paper is to share our experience and we also hope to learn from others. We know that other countries are trying out similar ideas and approaches and this is not limited, of course, to internet issues. The UK is committed to the Open Government Partnership, an international platform of 62 countries where governments and civil society work together to develop and implement ideas to make government more open, accountable and responsive to citizens.
3. We should be clear that the MAGIG is not a multi-stakeholder model. The UK strongly supports the multi-stakeholder model of internet governance, in which all stakeholders are able to play their respective roles and contribute to decision-making and there is no “top-down” control by any one organisation. Multi-stakeholderism has helped ensure that the internet continues to be dynamic, innovative and robust, serving the interests of stakeholders and users globally and supporting economic growth and social development.

4. Although the MAGIG is not an example of multi-stakeholderism, it is one example of how governments can involve a range of stakeholders in developing policy. The Government remains ultimately responsible for the decisions it makes, but we believe that encouraging stakeholders to contribute and challenge as an integral part of the process leads to better decision-making, better implementation and ultimately better outcomes.

The MAGIG

5. The UK MAGIG was established at the beginning of 2013 to support UK policy-making on internet governance issues. It was set up with the aim of providing UK multi-stakeholder input into UK policy for a number of international meetings and conferences dealing with internet governance issues leading up to and including the WSIS+10 review in 2015. The Terms of Reference of the MAGIG are as follows:
 - i. *To work in a collaborative spirit to contribute to UK inputs into major conferences and meetings relating to international internet governance and telecommunication issues on a Chatham House¹ basis.*
 - ii. *To comment on UK government policy goals and strategy with regard to international internet governance and telecommunication issues.*
 - iii. *To work collaboratively in influencing industry, civil society and state organisations positions on issues of international internet governance and telecommunication policy issues.*
 - iv. *To help build a working relationship and trust with representatives of other states and organisations that may not have the same views as the UK on issues surrounding international internet governance and telecommunication policy issues.*

There are usually five meetings each year and the dates of meetings are planned to coincide with preparations for key European and international meetings in order to help inform UK input into those meetings. Information is shared using a dedicated MAGIG intranet. This is used to distribute papers for meetings but also for sharing draft documents for comment and other documents for news and information.

6. The MAGIG is chaired by the Department for Culture, Media and Sport, which is the lead Government department in the UK for internet and telecoms issues, but other Government departments also attend, such as the Department for Business,

¹ See paragraph 12 for an explanation of the “Chatham House” rule.

Innovation and Skills, the Foreign and Commonwealth Office, the Home Office and the Department for International Development. Internet governance issues impact on agendas across the UK Government and having this range of departments helps to ensure a joined-up approach.

7. There are approximately thirty members of the MAGIG. In addition to Government departments, members include the UK's national telecoms regulator, Ofcom, the UK technology trade association, TechUK, and key business interests such as BT, Nominet, the London Internet Exchange, Vodafone, Cable & Wireless, Yahoo-UK, Microsoft/Skype, ARM Holdings, Virgin Media, Google UK, Facebook, Access Partnerships, the GSMA and Intel-UK. The UK Chapter of the Internet Society and a representative from ICANN are members. Third Sector members include the Taxpayers Alliance, Index on Censorship, the Trades Union Congress, Childnet and Global Partners Digital. There are also expert academics from the Universities of Cambridge, Oxford, London School of Economics and the Oxford Internet Institute.
8. The MAGIG plays an important role in providing a pool of informed people with expertise in particular areas that the Government and others can draw on. As well as regular meetings, smaller groups of MAGIG members, depending on their interests and expertise, sometimes come together informally to work on particular projects, before reporting back to the main Group.
9. UK delegations to major international meetings are often made up of MAGIG members, whether from other Government departments, the private sector or civil society. In such cases, MAGIG members act as full members of the UK delegation. Individuals are invited by the Government to take part on the clear understanding that they will support agreed UK policy lines throughout the meeting. It is important to prepare thoroughly for international meetings in order to ensure that UK delegations are properly coordinated. This preparation requires time and commitment from all stakeholders but it is a valuable investment. Stakeholders are able to contribute to UK policy and to see at first hand how international processes are developing. The Government benefits from their knowledge and experience and can draw on a much larger team.

The “ground rules”

10. The MAGIG is an informal Group and it does not have complicated written rules of procedure or a constitution. There is a shared understanding, however, of the key principles which underpin how MAGIG works.
11. MAGIG is not a corporate body and is not asked to come to a common view on any issue. There is an understanding that the Government is ultimately accountable for UK policy and at the final stage of policy-making it is the Government which has the final

say. The MAGIG is very influential in the decision-making process, but it does not make decisions. Individuals and organisations on the MAGIG remain free to attend events independently and represent their own positions, which may not be the same as the UK Government's. This does not affect their position on the MAGIG, although MAGIG can provide the opportunity to discuss disagreements in advance.

12. Confidentiality and trust are clearly important issues. The MAGIG needs to be a “safe space” in which members can test and debate ideas before finalising them. Members of the MAGIG need to be free to share draft documents, discuss policy proposals which have not been approved by their organisations and even float unfinished ideas which may not be fully thought-through. There is an understanding that these ideas may change significantly or be dropped altogether and during that process documents and proposals should be kept confidential within the Group. Discussion in the Group operates under the “Chatham House Rule”, which means that members are free to draw publically on information revealed in discussion but they should not reveal the identity or affiliation of the individuals who made particular points.
13. Government plays a facilitative role but it does not have sole responsibility for the agenda of the Group and although it chairs the Group it is often hosted by other members of the Group. Members are able to suggest agenda items, comment on proposed agendas and contribute papers to meetings. All members of the Group recognise and respect the different perspectives, different sets of knowledge and expertise and different constituencies of interest that other members bring.
14. Finally, membership of the Group requires a degree of commitment. Attending meetings, reading and commenting on papers and volunteering to work on particular issues can make significant demands on members' time. It is essential, however, that members are fully involved in the work of the Group in order to make a full contribution. Members are not paid to attend: they choose to attend because they have a stake in the policy making process.

The benefits

15. The clear benefit of the MAGIG is that UK policy is informed by a range of knowledge and perspectives. The internet is a rapidly developing technology and the UK Government benefits greatly from MAGIG's expertise and advice. At the simplest level, the MAGIG allows stakeholders to share information: whether it's the latest developments from an international meeting, information about approaches being taken in other countries or a new technical development and the implications it might have for policy. This helps ensure that all stakeholders, including government, are better informed. It is a particularly valuable source of information for those other Government departments who do not lead on internet governance issues but nevertheless have a strong interest.

16. Discussion at MAGIG helps the Government to understand the differences of view that exist and what lies behind them. That deeper awareness of the issues and of stakeholders' points of view can help to overcome misunderstanding and establish greater consensus. It can also provide a clearer picture of the competing interests involved and help the Government come to conclusions. Instead of a two-way dialogue between the Government and an individual stakeholder, the MAGIG allows us to have a multi-stakeholder dialogue. Stakeholders not only influence government positions, they also influence one another and enrich one another's understanding of the issues. Where there are differences of view, stakeholders can see more clearly how their interests compare to others' interests and shape one another's thinking and approaches.
17. The MAGIG is an excellent forum for government to test out its thinking and develop its ideas. A good example of this is a recent policy paper by the UK on the roles of governments in internet governance. A small group of MAGIG members got together first to generate ideas and views for the paper. The Government then produced a first draft which was discussed in detail at MAGIG. Members of the Group raised new issues that the Government had not taken into account, they challenged some of the drafting and they suggested different approaches, discussing examples from their own experience. The MAGIG made a significant contribution to the development of the paper, which was then finalised and signed off by Ministers. MAGIG plays a similar role for other aspects of UK Government policy, including contributing to UK responses to consultations. In some cases, a small number of MAGIG members will take the lead in producing a first draft for consideration.
18. The MAGIG means that stakeholders can understand government policy better and understand the reasons behind it. Even if they do not agree with it, they will be able to explain to their own communities of interest the thinking behind it because they were part of the process. Government can explain policy more effectively than it could otherwise, because it has a better understanding of the likely questions and criticism it might face. In most cases, however, stakeholders will have much greater ownership of the policy, because they played a large part in its development, and they will be able to play a much more engaged role in implementation, advocacy and communication.

The challenges

19. Working through the MAGIG has given rise to a number of issues which we have had to consider and we expect more challenges to come up as its work develops.
20. The first issue is around the membership of the Group. The Government invited people to join, based on its own knowledge of the key stakeholders, although it sometimes took advice from stakeholders about who could make the most valuable contribution

and sometimes it accepted requests from people or organisations who were keen to take part. Some people are invited in an individual capacity - academic experts are the obvious example. Others attend representing organisations – they are not necessarily the most senior person in the organisation, as long as they can speak on behalf of the organisation and can make a valuable contribution. There were no written criteria or application processes for membership: the Government took into account which organisations or stakeholders brought the most expertise and which were most willing to contribute and tried to ensure a reasonable balance of interests and that the Group did not become too large and unmanageable.

21. The UK Internet Governance Forum is a much larger organisation, which facilitates multi-stakeholder discussions and helps to inform policy making, and the UK Government places great value on the role that it plays. The UK IGF is open to all stakeholders and, partly because of its size, it is not able to provide the same kind of “sounding board” function or get into the kind of detailed work as MAGIG. The MAGIG complements the UK IGF but with a different focus.
22. Another challenge that we have faced is managing conflicts of interest. Membership of the MAGIG includes private sector firms and there is the potential for actual or perceived conflicts of interest to arise. There might be examples, for example, of a business advocating a particular policy line because it will benefit that business’ commercial interests or an organisation being thought to have special access to government decision-making on the basis of membership of MAGIG.
23. There have been no examples of this so far but it is something that we are aware of and we need to be open about it and prepared to discuss any issues that arise. As mentioned above, when members of the MAGIG act as part of a UK delegation to an international meeting, it is clearly understood that they do so on condition that they represent UK policy at all times.
24. Finally, there is the challenge of ensuring that the MAGIG remains relevant, effective and useful. It is sometimes easier to establish a new group than it is to close one. The MAGIG must focus on the results and the outcomes that it achieves and not become bureaucratic or a “debating club”. We plan to review the continued existence of MAGIG every year with members of the Group to ensure that it is still playing an effective role. While the MAGIG began as a start and finish group, we have got so much value out of it we will consider extending it with other MAGIG members and stakeholders.

Conclusion

25. The MAGIG has been in existence for a relatively short time. It is still growing into its role and developing its ways of working. We are still learning as we gain more

experience and we are still encountering different challenges as we find new ways of collaborating and building partnerships with domestic stakeholders.

26. Opening up the policy making process requires time and commitment and it can be a challenging experience for everyone involved. It can be an unfamiliar environment for stakeholders who may be used to simply reacting to government policy rather than taking part in its development and having to take account of the broader responsibilities that involves. It can be particularly challenging for government, which may be more familiar with an environment of “top-down” control in which it exercises direct influence simply by deciding policies or passing laws or regulations.
 27. Despite this, our experience has shown that all stakeholders, including the UK Government, have been committed to the process because we recognise that this way of working leads unquestionably to better informed policy, to a more coherent and coordinated approach, to more engagement and commitment from a broad range of stakeholders and ultimately to better outcomes.
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