The Freedom Online Coalition 10 Years On: A Stocktaking Report

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ABOUT THIS REPORT

This report was produced in March 2021 by the Secretariat of the Freedom Online Coalition (FOC) as an input document to the Coalition's 10-year anniversary roundtable consultations. Its aim is to provide an institutional stock‑take of the Coalition's evolution, outline its guiding principles, history, organisational structures, and activities, and inform the consultations.

BACKGROUND

In 2011, in response to the growing recognition of the importance of the Internet for the enjoyment of human rights, progressive governments around the world decided to set up the Freedom Online Coalition (FOC) – a loose coalition of governments created to help identify proactive steps to advance an Internet that remains an open, inclusive and dynamic environment where the fundamental rights and freedoms of citizens are protected and respected.

At a time when repression on the Internet was seen to be increasing and associated policy issues rising on the international agenda, the FOC was envisaged as a unique space to facilitate dialogue and spur coordinated action. Guided by the principle that human rights apply online as they do offline, the Coalition filled a critical gap in the global policy landscape and assumed a vital role in advancing the 'Internet freedom' agenda globally.

ABOUT THE FOC – MISSION, VALUES, OBJECTIVES

The FOC is a group of countries deeply committed to the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights. Coalition members believe that the human rights that people have offline must also be protected online. They commit to working together, and with all others who share these views, to support Internet freedom and protect human rights online worldwide. The FOC aims to be a proactive coalition that ensures Internet freedom issues are on the international policy agenda as a way to drive concrete policy changes and outcomes.

To achieve FOC goals, Coalition members:
1. Strengthen coordination and cooperation among members, as well as with outside stakeholders who share the Coalition's objectives, with added focus on fostering cross-regional diplomacy through employing local networks;
2. Shape global norms on human rights online through joint statements;
3. Hold periodic convenings with members and other stakeholders.

Although membership in the Coalition is restricted to governments, the FOC provides a platform for multistakeholder dialogue through its Advisory Network, its ad hoc Working Groups and Entities, the

Freedom Online Conference and other FOC-hosted events at international forums. The FOC remains unique in its ability to facilitate the development of global human rights respecting norms and policy in a multistakeholder fashion.

The Coalition's shared values, goals, and commitments are stated in the following underpinning documents:

The *FOC Founding Declaration* (2011) set out the basic principles and commitments of the FOC, and the signatories committed themselves to:

- Share information on potential violations of freedom of expression and other human rights online;
- Work in close engagement with other relevant stakeholders to protect and advance these rights;
- Cooperate to support individuals in exercising their human rights through the Internet by engaging with other governmental and non‑governmental parties;
- Promote freedom of expression, association and peaceful assembly with respect to the Internet through diplomatic activities both with individual countries and regional organizations;
- Encourage the adoption of practices, policies and statement of principles that address concerns to the export and misappropriation of technologies for repressive ends, appropriation of personal data and censorship around the world.

The *Nairobi Terms of Reference* (2012), finalised at the Freedom Online (FO) Conference in Nairobi in 2012, added procedural clarity to these commitments, outlining, *inter alia*, the process and criteria for joining the Coalition, the role of the Coalition Chair, and the international forums and processes relevant for FOC engagement. It also highlighted the importance of multistakeholder dialogue, placing emphasis on members' engagement with the ICT sector.

The *Tallinn Agenda* (2013), signed at the Tallinn FO Conference in 2014, added further focus to the FOC vision. Through its recommendations, it reaffirmed the commitment of FOC members to respect and protect human rights and fundamental freedoms, and re‑emphasized that the same rights that people have offline must also be protected online. The Tallinn recommendations themselves were drafted through a multistakeholder process, led jointly by the Ministry of Foreign Affairs of Estonia, the Estonian e-Governance Academy and Freedom House. The four-month project involving NGOs, the private sector, international organisations, and FOC governments led to the consensus outcome document. In an effort to further strengthen freedoms online, the signatories pledged to strengthen the multistakeholder model of Internet governance, to enhance transparency of government processes and to promote freedom of speech and the free flow of information online.

The *San José Statement* (2016) reiterated the Coalition's key values and purpose, and outlined a Work Plan aiming to make it more dynamic and effective. In anticipation of discussions at the 6th annual FO Conference in Costa Rica on the future of the Coalition, the FOC issued the Statement and Work Plan to share the results of its 5-year anniversary strategic review and collective decisions about the Coalition's path forward in promoting and protecting human rights online. The Statement and accompanying Work Plan set forth the Coalition's aims and priority activities and offered a blueprint for revising the Nairobi Terms of Reference to update the FOC structure and operations to support these objectives.

The *Stockholm Terms of Reference* (2017), officially adopted at the Stockholm Internet Forum 2017, contained inter alia, updates to the Coalition's membership criteria, the future of multistakeholder participation, and provided clarification of FOC's structure and working methods. The Stockholm Terms of Reference have been amended in 2020 to allow for shorter time periods for negotiation of joint language.

In addition to the underpinning documents outlined above, the Coalition has, since its inception, developed a number of joint statements on issues relevant to its mandate, which further elaborate its goals and commitments (see page 11 for more information).

SHORT HISTORY

December 2011	The FOC is established at the inaugural Freedom Online Conference in The Hague, on December 8-9, 2011, where it is launched by the Dutch Foreign Minister Uri Rosenthal, with keynote remarks from U.S. Secretary of State Hillary Rodham Clinton. Thirteen countries pledge to abide by the commitments set out in the Founding Declaration.
September 2012	In 2012, the Coalition is chaired by the government of Kenya, which hosts the second Freedom Online Conference in Nairobi, September 6-7, 2012. During the conference, FOC members agree to the Nairobi Terms of Reference and the Digital Defenders Partnership (DDP) fund is launched.
June 2013	From 2012 to 2013, the government of Tunisia holds the Chairship, and hosts the third Freedom Online Conference in Tunis, June 17-18, 2013. Discussions at the Conference result in the establishment of the three FOC multistakeholder Working Groups: An Internet Free and Secure, Digital Development and Openness, and Privacy and Transparency Online.
January 2014	The FOC Secretariat is established to provide administrative support to the Coalition, maximise coordination efforts among members, and facilitate internal and external communications.
April 2014	The Chairship of the Coalition returns to Europe, with the government of Estonia taking up the mantle from 2013 to 2014. The fourth Freedom Online Conference is held in Tallinn, April 28-29, 2014. At the Conference, FOC members adopt the Tallinn Recommendations for Freedom Online, and the official FOC website is launched.
August 2014	The 'Friends of the Chair' group is established to provide support to the FOC chair in the run-up to the Conference and ensure year to year continuity of the Coalition's diplomatic efforts.
May 2015	From 2014 to 2015, the Coalition is chaired by the government of Mongolia, marking the first time the torch is carried by an Asian country. The fifth Freedom Online Conference is held in Ulaanbaatar, Mongolia on May 4-5, 2015. The FOC decides to renew the mandates of the FOC Working Groups and to undergo a 5-year strategic review.
June 2015	The government of Costa Rica assumes the Chairship, with plans to host the Freedom Online Conference in San José in October 2016, bringing the Coalition's core activities to the Western Hemisphere for the first time. FOC launches its newsletter.

October 2016	On October 17-18, 2016, the sixth Freedom Online Conference takes place in San José, Costa Rica. During the conference the San José Statement, the culmination of a 16-month long strategic review, is presented to the international community.
May 2017	On May 16, 2017, at the FOC Strategy and Coordination Meeting held adjacent to the Stockholm Internet Forum 2017, the FOC officially adopts the "Stockholm Terms of Reference".
March 2018	Following an open call for members and the subsequent selection process, the FOC announces the membership of the Coalition's new multistakeholder body, the FOC Advisory Network, consisting of 30 non-governmental representatives.
November 2018	On November 28-30, 2018, the seventh Freedom Online Conference takes place in Berlin, under the German Chairship. The Conference is opened by Germany's Minister for Foreign Affairs, Mr Heiko Maas.
March 2019	In 2019-2020, the Chairship of the Coalition returns to the African continent. Ghana assumes the Chairship and is the third African country to Chair the FOC.
February 2020	On February 6-7 2020, the eighth Freedom Online Conference takes place in Accra, under the theme "Achieving a Common Vision for Internet Freedom".
January 2021	On January 1, Finland assumes the Chairship of the Coalition for the year 2021 with plans to mark the 10-year anniversary of the FOC at the Freedom Online Conference in Helsinki on December 2-3.

MEMBERSHIP

Joining the Coalition
The process and criteria for joining the Coalition were set out by Coalition members in the Stockholm Terms of Reference.

The membership of the Coalition is open to countries who demonstrate a strong commitment to human rights and Internet freedom around the globe. Aspiring members' applications are assessed based on their domestic record when it comes to respecting human rights online, the countries voting record in international fora on Internet freedom issues, the degree to which the country takes a proactive role on furthering Internet freedom in its foreign policy, and the standing of the country in other intergovernmental or multistakeholder initiatives on democracy, transparency or open government. The Coalition further looks to ensure wide geographical representation.

By joining the FOC, members commit to upholding and advancing the Coalition's shared goals and values, as stated in its basic texts (the Founding Declaration, the Nairobi Terms of Reference, the Tallinn Agenda, the San José Statement and the Stockholm Terms of Reference).

The Coalition is a voluntary organisation. Members are encouraged to participate in FOC activities, play an active role in outreach efforts, and jointly shape the strategic direction of the Coalition. At the moment, there are no financial obligations placed on members.

Growth of the Coalition
Since the inaugural FO Conference, the FOC has doubled in size. Today[1] 32 governments are part of the Coalition: Argentina, Australia, Austria, Canada, Costa Rica, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Ireland, Japan, Kenya, Latvia, Lithuania, the Maldives, Mexico, Moldova, Mongolia, the Netherlands, New Zealand, Norway, Poland, Spain, Sweden, Switzerland, Tunisia, the United Kingdom, and the United States.

2011	2011/12	2012/13	2013/14	2014/15	2015/16	2019/20	2020/21
NETHERLANDS	KENYA	TUNISIA	ESTONIA	MONGOLIA	COSTA RICA	GHANA	
13	+5	+3	+2	+4	+3	+1	+1
Austria Canada Czech Republic Estonia France Ireland Kenya Maldives Mongolia Netherlands Sweden UK USA	Costa Rica Finland Ghana Mexico Tunisia	Georgia Germany Latvia	Japan Moldova	Australia Lithuania Norway Poland	New Zealand Spain Argentina	Switzerland	Denmark

Figure 1. Growth of FOC Membership

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[1] As of March 2021.

ORGANISATIONAL STRUCTURE

The Coalition is a voluntary association which to date has not established a formal legal entity. The informal nature of the FOC was deliberate, informed by the desire to keep the Coalition nimble and responsive to emerging threats and opportunities for human rights online. Though this imposes some limitations it does mean that joining and running the Coalition involves very little bureaucracy.

Chairship

The day to day political coordination of the Coalition rests in the hands of the Coalition Chair. The Chair of the Coalition rotates among member states on an annual basis. The Chair provides diplomatic support and coordinates the overall FOC activities and meetings alongside the international conferences. The Chair country usually takes up the role of hosting the annual FO Conference.

The current Chair of the Coalition is the government of Finland. Previously, the FOC has been chaired by Ghana, Germany, Costa Rica, Mongolia, Estonia, Tunisia, Kenya and the Netherlands.

Friends of the Chair

The Chair is assisted by the Friends of the Chair, a voluntary group of FOC members first introduced in 2014. Membership in the group is renewed on an annual basis. The Friends of the Chair provide support to the Chair with diplomatic coordination and preparation for the annual Conference, and ensure continuity in the light of the Chairship rotation. The group holds monthly conference calls, convened by the FOC Secretariat.

As of March 2021, the group comprises Canada, Estonia, Germany, Ghana, the Netherlands, Switzerland, the United Kingdom, and the United States. Previous members include: Norway (2015-2020), Argentina (2016-2018), Mongolia (2014-2016), Costa Rica (2014-2019), Finland (2017-2020).

Secretariat

The FOC Secretariat (Support Unit) is a neutral, third party secretariat formally established in January 2014, in response to the increase in the range and number of FOC activities, in particular the FOC Working Groups. It provides administrative, substantive and coordination assistance to the Coalition and its members. The Support Unit maintains and strengthens the Coalition's structure, processes and institutional capacity to support diplomatic coordination, multistakeholder engagement, and the smooth running of the FOC's programmatic work. It also acts as the main point of contact for anyone wishing to know more about the work of the Coalition. The work of the FOC Support Unit follows an internal program of action signed off by the FOC, and is supported by voluntary grants by FOC members.

The Support Unit function is currently performed by Global Partners Digital (GPD), a social purpose company based in London. The current arrangement with GPD was renewed at the Conference in Ghana in 2020.

FOC Coordination and Communication

Internal Communication
FOC members coordinate their activities via a designated FOC listserv administered by the Support Unit, and are often prompted by discussions that occur on the monthly Friends of the Chair calls. Specific FOC workstreams, including diplomatic networks may establish separate communications channels.

In addition, several times a year, the FOC seeks to convene in‑person[2] Strategy and Coordination Meetings to review the progress towards the Coalition's goals, its outreach activities, and its strategic direction. These meetings are usually convened on the margins of global conferences and international forums. Following a decision made by FOC members in Mongolia in May 2015, the minutes of the Strategy and Coordination Meetings, as well as those of all Friends of the Chair calls, are now made publicly available on the FOC website.

External Communication
The central point for FOC‑related information is the FOC website, launched in April 2014 in an effort to increase FOC online presence and improve understanding of the Coalition's objectives, structure, and activities among the broader community. Other communication channels include the FOC Twitter account, and a periodic newsletter that summarises FOC‑related news and events in the period preceding its publication. These public communication channels are administered by the FOC Support Unit.

In addition, over the years, the FOC has hosted a range of outreach events and public workshops at key international events including the Internet Governance Forum, World Press Freedom Day, RightsCon, the United Nations General Assembly (UNGA), etc. However, in the absence of a comprehensive communications strategy, these outreach efforts have been largely *ad hoc*.

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[2] Due to travel and in-person meeting restrictions associated with the coronavirus, the FOC explored alternative meeting formats, such as virtual meetings.

WORK OF THE FOC

Over the years, the work of the Coalition has evolved considerably. Between 2011‑2013, the focus of the FOC revolved largely around the Freedom Online Conference. More recently, there has been a proliferation of the number and type of FOC activities, including in its diplomatic coordination efforts, its joint statements, and its multistakeholder engagement. To build on the efforts to streamline its workstreams and primary activity areas as well as to be more forward-looking, the Coalition develops an annual Program of Action[3], following input consultations with FOC and FOC Advisory Network members, which outlines the FOC's priority areas, key approaches and specific activities for the respective year.

Diplomatic Coordination
Diplomatic coordination is at the heart of the FOC. Since its inauguration, the Coalition has offered its members a unique informal diplomatic space to share information and concerns about current developments that threaten to compromise Internet freedom around the world. Over the years, this has allowed Coalition members to coordinate actions in international fora and jointly react to emerging issues, thus increasing the visibility of their responses and amplifying the impact of individual statements. The FOC currently follows an internal policy of non-selectivity on country-specific statements.

Since 2011, FOC coordination efforts took place in a number of fora, including the Organization for Security and Cooperation in Europe (OSCE), the International Telecommunication Union (ITU),, the Internet Governance Forum (IGF), the Stockholm Internet Forum, RightsCon, etc.

These efforts have been complemented by activities of networks of FOC representatives in Paris, Geneva, Vienna and New York. These networks are led by local FOC member representatives and serve as an opportunity to coordinate viewpoints, share relevant information, and discuss strategies to advance an open Internet in each context. Recent examples of coordinated FOC input into relevant international processes include:
- The joint statement delivered at the 43rd Session of the Human Rights Council in Geneva in March 2020 by Germany;
- The joint statement delivered at the 41st Session of the Human Rights Council in Geneva in June 2019 by Estonia;
- The joint statement on the International Telecommunications Union's (ITU) Plenipotentiary Conference in October 2018.

Shaping Global Norms
In addition to coordinating participation in relevant fora, the FOC acts as a platform to bring worrying or positive developments related to online freedoms to the attention of its members, and issue joint reactions and commentary.

Through the FOC listserv, any member of the Coalition can initiate a process towards developing a joint FOC statement. Once a draft is presented and a round of comments by FOC members administered and consolidated, the statement gets circulated for a final silence procedure, following which it is published by the Secretariat. The FOC has developed more than 20 joint statements, with most recent examples including[4]:

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[3] For Program of Action 2021, please visit:
https://freedomonlinecoalition.com/wp-content/uploads/2021/02/FOC-Program-of-Action-2021.pdf
[4] For a comprehensive list of all FOC joint statements, please visit: https://freedomonlinecoalition.com/joint-statements/.

- The [Joint Statement](#) on Spread of Disinformation Online (2020)
- The [Joint Statement](#) on Artificial Intelligence and Human Rights (2020)
- The [Joint Statement](#) on COVID-19 and Internet Freedom (2020)
- The [Joint Statement](#) on the Human Rights Impact of Cybersecurity Laws, Practices and Policies (2020)
- The [Joint Statement](#) on Digital Inclusion (2020)
- The [Joint Statement](#) on Defending Civic Space Online (2019)

Apart from their broader normative value, joint FOC statements have proven to be a useful tool for individual FOC members to frame their own positions, inform diplomatic interventions, and, in some cases, foster improved inter-ministerial coordination.

Multistakeholder Engagement

The Coalition has made continuous efforts to engage civil society and the private sector in a constructive dialogue on pressing issues related to Internet freedom and digital rights and serves as a unique avenue for direct engagement with high-level government representatives.

Advisory Network

At the sixth Freedom Online Conference in Costa Rica, the Coalition identified as a priority the need to create a strong mechanism for ongoing multistakeholder engagement. The FOC Advisory Network (FOC-AN) was established to play that role through regular engagement with FOC governments.

The FOC-AN is intended to serve as a key mechanism for the Coalition to engage regularly with non-governmental Internet stakeholders. It is envisaged as a platform for multistakeholder dialogue which, independently of FOC members, provides advice to FOC governments on the work of the FOC, organises multistakeholder collaboration around FOC activities, and explores possibilities for cooperation to advance human rights online.

In 2020, the second cohort of the FOC-AN was selected through an open application process administered by the FOC Support Unit.[5]

Ad Hoc Working Groups and Other Entities

The FOC's ad hoc Working Groups and Entities provide a mechanism for focused and issue-based engagement, facilitating substantive contibributions by the FOC on key Internet Freedom issues. These groups are able to run continuously throughout the year and in-between physical FOC meetings. By providing a forum of regular communication with other stakeholders, this engagement encourages concrete and substantive cooperation, enabling tangible outcomes. Examples of FOC's Working Groups and Other Entities include:
- Working Group 1 - An Internet Free and Secure (2013-2017)
- Working Group 2 - Digital Development and Openness (2013-2017)
- Working Group 3 - Privacy and Transparency Online (2013-2017)
- Task Force on Cybersecurity and Human Rights (2019-2020)
- Task Force on Artificial Intelligence and Human Rights (2020-)
- Task Force on Digital Equality (2021-)

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[5] For a list of FOC-AN members, please visit: https://freedomonlinecoalition.com/how-we-work/foc-advisory-network/.

Freedom Online (FO) Conference

Periodically, the FOC holds a multistakeholder Conference that aims to deepen the discussion on how online freedoms are helping to promote social, cultural and economic development. Following the inaugural Conference in The Hague, subsequent FO Conferences were held in Nairobi, Tunis, Tallinn, Ulaanbaatar, San José, Berlin and Accra. In 2021, the Conference will be held in Helsinki, Finland on December 2-3.

At the time of its inauguration in 2011, the FO Conference was unique in its ability to facilitate a multistakeholder dialogue on issues related to human rights online. Since then, as the global landscape evolved and the issue gained currency elsewhere, the value proposition behind the Conference shifted towards advancing practical outcomes developed through the FOC Program of Action, and facilitating dialogue on issues relevant for the local context in which the Conference was taking place.

Freedom Online Conference	Participants (Total)	Governments represented	Gov't participants as % of total
The Hague, 2011	174	21	46%
Nairobi, 2012	359	14	19%
Tunis, 2013	445	27	20%
Tallinn, 2014	400	46	47%
Ulaanbaatar, 2015	368	28	32%
San José, 2017	200	31	42%
Berlin, 2018	350	60	32%
Accra, 2020	300	20	14%

Table 1. FO Conference Governmental Participation

The FO Conference continues to offer a space for non-governmental stakeholders to discuss issues of concern and share their perspectives on an equal footing with FOC governments. This is encouraged through funding provided by the Coalition aimed at civil society participants from the global South, and the region in which the respective conference is taking place.

The ownership of the Conference program and outputs lies with the host country. Before finalising the program, the host seeks to collect and consolidate input from FOC members and the broader FOC community. In Tunis, an NGO steering committee assisted in setting the Conference agenda and was able to suggest topics, moderators and speakers for the Conference sessions. In Tallinn, a multistakeholder group drafted a set of recommendations that were subsequently approved by the FOC governments as the Tallinn Agenda – Recommendations for Freedom Online. In Ulaanbaatar, the majority of the program was developed through an open call for workshops. In Berlin and Accra, the Advisory Network worked together with the FOC governments to develop the 12 and 16 parallel workshops, respectively, that took place during the Conference.

FINANCING AND BUDGET

Core Costs
Running the FOC has become more expensive as its membership grew and its activities proliferated beyond the FO Conference. The majority of the current core costs of the Coalition are covered through voluntary contributions by FOC members. These are complemented by contributions by private sector donors designated to particular FOC activities including the Conference, and activities of FOC Working Groups.

Conference Costs
The financial arrangements of the Conference are handled by the host country. The core Conference costs vary from year to year. Between 2016 and 2020, they were in the region of $150,000. Additional resources were required for targeted participants' engagement in the Conference.

Conference costs and travel support for participants are funded through contributions from the host country, other FOC members, and private sector donations.