



# **LOOKING BACK TO MOVE AHEAD: FREEDOM ONLINE COALITION STRATEGIC REVIEW OUTCOME**

**Final Report and Recommendations of the FOC Strategic  
Review Working Group, May 2015 - October 2016**

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# Overview Memorandum of the Strategic Review

## EXECUTIVE SUMMARY

At the Freedom Online Coalition (FOC) Annual Conference in Mongolia in May 2015, Members established a Working Group to review FOC processes and procedures to mark the Coalition's five-year anniversary in 2016. The mandate of the Strategic Review Working Group (SRWG)<sup>1</sup> called for a report of findings at the next Annual Conference, set for October 2016 in Costa Rica. Accordingly, the following memorandum summarizes the SRWG outcomes for the FOC membership and external stakeholders, with reference to three attached input documents requested by the SRWG to inform its work.

Overall, **there remains broad, multi-sectoral support for the Coalition to continue to exist as a government-only, semi-formal and flexible group dedicated to cross-regional diplomatic coordination to advance human rights online.** To this end, the broad geographic representation of its membership and the close collaboration of its members with non-government stakeholders in working towards the Coalition's aims and objectives remain among the core strengths of the FOC. Since its inception in December 2011, Coalition membership and scope of activities have rapidly evolved and expanded in ad hoc fashion. Coalition procedures, governance structures, and funding levels remained informal and provisional. This development, which is outlined in the attached FOC@5 Stocktaking Report ([Annex I](#)), has contributed to a perceived lack of clarity about the Coalition's purpose and operations, as documented in the External Report ([Annex II](#)). Based on these inputs, the SRWG designed and distributed a Member's Survey ([Annex III](#)) to help clarify the FOC's aims and priority activities and form a basis for decision-making by FOC members regarding membership requirements, governance and organizational structure, and funding mechanisms.

This memo describes the SRWG's methodology, highlights key findings, and puts forth a set of recommendations to aid the FOC membership in charting the future direction of the Coalition.

## SRWG METHODOLOGY

To fulfill its mandate, the SRWG began with a conceptual framework for the review, organized into four interrelated themes: **aims and activities, membership, governance and structure, and funding.** The resulting SRWG work plan called for three steps: first, assessing the same four themes across comparable multilateral organizations, such as the Community of Democracies and the Open Government Partnership; second, evaluating the value of the FOC based on these four pillars, by soliciting internal and external perspectives; and third, charting the development of the FOC through quantitative and qualitative analysis of its evolution and expansion.

Over the course of 18 months, the SRWG—co-chaired by the United Kingdom and United States—held ten conference call meetings and two in-person working sessions. To establish a factual and historic baseline, the SRWG requested that the FOC Support Unit produce a factual stock-taking report ([Annex I](#))

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<sup>1</sup> The SRWG is comprised of Australia, Canada, Costa Rica, Estonia, Germany, Netherlands, Sweden, UK, and US.

of the structural and procedural developments within the Coalition and its work over the past five years, based on FOC records of membership, meetings, and policy outputs. The FOC emphasized that the review process should be open and transparent, so that all members could follow and contribute to the discussion, and should include a role for other stakeholders. Accordingly, the SRWG decided to pursue both an External Assessment of the FOC ([Annex II](#)), over which it did not exercise editorial control, and a Member's Survey ([Annex III](#)). After the External Assessment was published in May 2016, the SRWG encouraged FOC members to use the report to convene consultations within their governments and with external stakeholders in civil society, the private sector, and academia. The consultations provided a space to formulate members' positions on the future direction of the FOC as a whole and on their respective unilateral relationships to the Coalition, in order to aid them in responding to the Member's Survey.

The SRWG took into account these three inputs in determining which outputs would be produced as part of the Strategic Review deliverables. The SRWG considered three options that it could pursue, either jointly with the FOC or independently under its own mandate: 1. Work with the FOC membership to issue a renewed declaration clarifying the Coalition's chief aims and priority activities; 2. Work with the FOC membership to revise the 2012 Nairobi Terms of Reference to align with the clarified commitments in option 1 and to reflect the structures the FOC elects to use going forward; 3. Make independent recommendations to the FOC membership on next steps to strengthen the Coalition based on findings in the review process. Ultimately, the SRWG opted to prioritize options 1 and 3, and to integrate option 2 into the recommendations for next steps. The recommendations are included at the bottom of the document for the consideration of the full FOC membership.

## KEY FINDINGS OF STRATEGIC REVIEW INPUTS

### 1. FOC@5 Stock-Taking Report ([Annex I](#))

The SRWG requested that the FOC Support Unit produce the stock-taking paper with three goals in mind: describe the evolution and expansion of the Coalition; highlight key milestones in its development; and quantitatively and qualitatively evaluate key features of its mission, operations, and effectiveness. The paper highlights how dramatically the FOC has evolved and expanded from its original conception five years ago as a loose contact group of 15 governments. It also discusses the key documents developed by members that set forth the shared goals and values of FOC members throughout the years: the Founding Declaration (2011), the Nairobi Terms of Reference (2012), and the Tallinn Agenda (2014).

The report notes that the FOC has expanded its activities beyond the annual conference to include cross-regional diplomatic coordination through local FOC chapters in Geneva, Paris, and New York, global norm-setting through joint statements on emerging trends in Internet Freedom, and multi-stakeholder working groups focused on policy concerns. Although this paper was not intended to make any recommendations, it does provide a useful history of the Coalition and its activities.

## **2. External Report: “Clarifying Goals, Revitalizing Means: An Independent Evaluation of the Freedom Online Coalition.” (Annex II)**

The SRWG commissioned this report in order to obtain a third-party report of external and internal views on the FOC, which informed the review process and outcomes. The Center for Global Communications Studies at the University of Pennsylvania, working with London-based technology consultant Susan Morgan, published the final report on 4 May 2016. The assessment comprised thirty interviews with FOC government representatives, members of civil society, business representatives, and academics, as well as desk research on similar multilateral and multi-stakeholder organizations for comparative purposes. This work resulted in a set of core recommendations for the FOC on the four themes of the review.

The report identified broad recognition from external stakeholders of the Coalition’s potential benefits but also revealed a lack of understanding regarding its main objectives and working methods. This lack of clarity makes it difficult to assess whether or not the Coalition is meeting its goals. The paper identified six general recommendations to guide the FOC’s next steps, including some specific recommendations within each category:

1. Clarifying the aims and objectives of the Coalition;
2. Establishing a mechanism for stakeholders to raise concerns about the actions of a member government;
3. Establishing a periodic performance review mechanism for members;
4. Introducing multi-year commitments and a tiered funding model;
5. Formalizing the link between the multi-stakeholder working groups and FOC governance;
6. Improving Coalition communication and transparency.

Noting that the FOC is still a young institution, the report highlights the need for the Coalition to think strategically about what it can and wants to accomplish, and about how to increase its legitimacy with stakeholders. The report is attached, and is also available online at:

<http://www.global.asc.upenn.edu/publications/clarifying-goals-revitalizing-means-an-independent-evaluation-of-the-freedom-online-coalition/>.

## **3. FOC Member’s Survey on the Five Year Strategic Review (Annex III)**

The SRWG designed the Member’s Survey to pinpoint areas of agreement and difference within the range of FOC membership views, based on the four pillars of the review, in order to identify next steps. Almost all of the 30 government members of the FOC completed the survey. Such a robust response rate signaled to the SRWG that members are still strongly interested in the FOC’s work five years after its founding. The Survey also shows that there is a mix of broad agreement and differing views regarding FOC priorities and operations.

In general, members broadly agreed that the FOC should continue to focus efforts on global diplomatic engagement to advance human rights online in the form of a government-only, semi-formal and flexible group that prioritizes cross-regional coordination and global norm-setting. The top three priority

activities supported by respondents included holding an annual meeting with stakeholders, developing global norms, and cross-regional diplomatic coordination among members. The fourth-highest rated activity was the FOC's multi-stakeholder working groups, although respondents strongly opposed the idea of making participation in a working group a minimum membership requirement.

Regarding membership requirements, respondents signaled more support for a higher barrier to entry over a "big tent" approach, yet they also overwhelmingly preferred FOC activity-related requirements (such as attending the annual conference) over accountability-related requirements (such as a periodic review of members' compliance with FOC commitments). One noteworthy finding is that a strong minority favored an internal mechanism for Coalition members to raise concerns about the performance of other members. Additionally, the FOC member activity of hosting a national-level consultation every 1-2 years with domestic and global stakeholders had moderate support. Respondents were most split over questions related to whether the FOC should retain its current informal governance and funding models or work to formalize operations and structures; however, there was sufficient majority in the responses to chart a measured way forward.

## **SRWG RECOMMENDED NEXT STEPS TO FREEDOM ONLINE COALITION MEMBERSHIP**

These seven recommended next steps flow from survey results and respond to key questions raised by outside stakeholders in the external assessment:

1. Clarify aims and objectives: The FOC should publicly make clear its continued goal to serve as a nimble, multilateral coordinating body that promotes cross-regional diplomacy and multistakeholder engagement to advance human rights online globally.
2. Prioritize activities that support the organizational mission: The FOC should focus on three key efforts: (1) Holding an annual meeting with members and other stakeholders; (2) Shaping global norms on human rights online (i.e., through joint statements); (3) Fostering cross-regional diplomacy (through coordination from capitals, within local chapters, and among missions). The FOC should improve its communication about these priority activities to external stakeholders.
3. Develop mechanism to link non-government stakeholders to FOC priority activities: The FOC should strengthen multistakeholder engagement across the whole of its work to ensure that the expertise residing within civil society, private sector, academia and beyond is appropriately integrated into the FOC's structure and strategy. As the FOC works to better consolidate engagement with non-government stakeholders into its efforts towards the aims and objectives identified through the Strategic Review, it should extend the mandates of its three thematic multistakeholder Working Groups on an interim basis until the Nairobi Terms of Reference can be revised and a goal-driven framework for multistakeholder engagement is identified. The co-chairs of the existing Working Groups should be requested to continue with their current membership and activity plans and avoid creating any new workplans until after the FOC has finished this exercise.

4. Revise Terms of Reference: The FOC should update the 2012 Nairobi Terms of Reference to (1) Clarify its membership criteria and admission procedures (see No. 5 below); (2) Formalize elements of its governance and organizational structure, particularly the roles of the Chair and the Friends of the Chair, the responsibilities of the Support Unit, the modalities for multistakeholder engagement, and the rules and procedures of the FOC Annual Meeting (see No. 5 and 6 below); and (3) Address financial concerns (see No. 7 below). The body responsible for revising the Terms of Reference should consult non-government stakeholders, including those who participate in the Working Groups, to optimize the benefits of multistakeholder engagement as the FOC moves forward.
5. Strengthen FOC Membership Criteria, Participation and Accountability: The FOC should take a principled, forward-leaning approach to setting minimum membership requirements and improving accountability mechanisms, beginning with: (1) Supporting members to participate in Coalition priority activities, particularly the FOC Annual Meeting; (2) Urging members to regularly consult with non-governmental stakeholders on policy concerns related to human rights online; (3) Exploring the possibility of developing an internal mechanism for FOC members to raise concerns about other FOC members' adherence to Coalition commitments; (4) Encouraging members to address their records on promoting human rights online through existing relevant mechanisms for accountability, such as the UN Human Rights Council Universal Periodic Review.
6. Collaborate with Likeminded Organizations: The FOC should foster opportunities for collaboration with similar multilateral and multistakeholder organizations, such as the Community of Democracies, the Open Government Partnership, and the Global Network Initiative, and identify areas for synergies within the organizations' aims and activities.
7. Funding: The FOC should form a funding coordination group to help ensure the financial sustainability of the FOC and coordinate donor activity, including members' individual support for the Digital Defenders Partnership, Support Unit, Annual Meeting, and Working Groups or other mechanisms for integrating multistakeholder engagement into FOC priority activities.

# **ANNEX I: FOC@5 STOCKTAKING REPORT**



# Freedom Online Coalition @Five

## ABOUT THIS REPORT

This report has been produced in June 2016 by the Secretariat of the Freedom Online Coalition (FOC) as an input document to the Coalition's 5-year strategic review, at the request of the FOC Strategic Review Working Group (SRWG)<sup>2</sup>.

Its aim is to provide an institutional stock-take of the Coalition's evolution, outline its guiding principles, history, organizational structures, and activities, and inform the strategic review outcome.

## 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 partnership of governments who abide by the principle that human rights apply online as they do offline, and are committed to working together to support and protect Internet freedoms – free expression, association, assembly, and privacy online – worldwide.

To achieve FOC goals, Coalition members coordinate their diplomatic efforts, share information on violations of human rights online and work together to voice concern over such measures. The Coalition also collaborates by issuing joint statements, sharing policy approaches, exchanging views on strategy, and planning participation in relevant forums.

Although membership in the Coalition is restricted to governments, the FOC provides a platform for multistakeholder dialogue through its annual Conference, its Working Groups, and FOC-hosted events at

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<sup>2</sup> SRWG members: Australia, Canada, Estonia, Germany, Sweden, the Netherlands, UK, and US.

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 FOC Founding Declaration "[Freedom Online: Joint Action for Free Expression on the Internet](#)" (2011), and elaborated in the [Nairobi Terms of Reference](#) (2012) and the "[Recommendations for Freedom Online](#)" - the Tallinn Agenda (2014).

The Founding Declaration 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, finalized at the Freedom Online 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, 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 organizations, 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.

## SHORT HISTORY

<i>December 2011</i>	The FOC is established at the inaugural Freedom Online Conference in The Hague, on December 8th and 9th, 2011, where it is launched by the Dutch Foreign Minister Uri Rosenthal, with keynote remarks from U.S. Secretary of State Hillary Rodham Clinton. Fifteen countries pledge to abide by the commitments set out in the Founding Declaration.
<i>September 2012</i>	In 2012, the Coalition is chaired by the government of Kenya, which hosts the second annual Conference in Nairobi, September 6-7, 2012. During the conference, FOC members agree to the Nairobi Terms of Reference and the <a href="#">Digital Defenders Partnership (DDP)</a> fund is launched.
<i>June 2013</i>	From 2012 to 2013, the government of Tunisia holds the Chairmanship, 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.
<i>January 2014</i>	The FOC Secretariat is established to provide administrative support to the Coalition, maximize coordination efforts among members, and facilitate internal and external communications.
<i>April 2014</i>	The Chairmanship 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 <a href="#">FOC website</a> is launched.
<i>August 2014</i>	The 'Friends of the Chair' group is established to provide support to the FOC chair in the run-up to the annual Conference and ensure year to year continuity of the Coalition's diplomatic efforts.
<i>May 2015</i>	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,. FOC decides to renew the mandates of FOC Working Groups and to undergo a 5-year strategic review.
<i>June 2015</i>	The government of Costa Rica assumes the Chairmanship, with plans to host the Freedom Online Conference in San Jose in October 2016, bringing the Coalition's core activities to the Western Hemisphere for the first time. FOC launches its monthly newsletter.

## MEMBERSHIP

### Joining the Coalition

The process and criteria for joining the Coalition were set out by Coalition members in 2012, and captured in the [Nairobi 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, and the degree to which the country takes a proactive role on furthering Internet freedom in its foreign policy. 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](#) and the [Tallinn Agenda](#)).

The Coalition is a voluntary organization. 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. The fifteen inaugural FOC members - Austria, Canada, Czech Republic, Estonia, France, Ghana, Ireland, Kenya, the Republic of the Maldives, Mexico, Mongolia, the Netherlands, Sweden, United Kingdom, and the United States - endorsed the Founding Declaration at or shortly after The Hague meeting in December 2011. Finland, Costa Rica, and Tunisia became members in 2012, bringing the total number of members to eighteen by the second FO Conference.

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

**Figure 1.** Growth of FOC Membership

The Coalition continued growing in the following years, with new members joining each year:

- Tunisian chairmanship (2012/2013): Georgia, Germany, and Latvia;
- Estonian chairmanship (2013/2014): Japan and Moldova;
- Mongolian chairmanship (2014/2015): Australia, Lithuania, Norway, and Poland;
- Costa Rican chairmanship (2015/2016): Argentina, New Zealand, and Spain.



**Figure 2.** Geographic Distribution of FOC Members: The FOC spans all continents - from Africa to Asia, Europe, the Americas, and the Middle East.

## ORGANIZATIONAL 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.

### Chairmanship

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 Costa Rica. Previously, the FOC has been chaired by the Netherlands, Kenya, Tunisia, Estonia, and Mongolia.

### Friends of the Chair

The Chair is assisted by the Friends of the Chair, a voluntary group of FOC members introduced in 2014. Membership in the group is renewed on an annual basis<sup>3</sup>. 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 chairmanship rotation. The group holds monthly conference calls, convened by the FOC Secretariat.

### Secretariat

The FOC Support Unit was formally established in January 2014, in response to the increase in the range and number of FOC activities, in particular the FOC Working Groups.

The Support Unit performs a range of administrative and coordinating functions including:

- Administrative and substantive support to the FOC and the Friends of the Chair group;
- Support to the Chair in the preparation of the annual FO Conference;
- Administrative and substantive support to the FOC Working Groups;
- Development and maintenance of FOC structure and processes;
- Assistance with the management of FOC statements and other joint activities;
- Organization of FOC coordination activities including meetings at international events;
- Ongoing management and upkeep of the FOC website and social media accounts;
- Facilitation of internal and external communication for the Coalition, including circulation of a monthly Coalition newsletter, individual tailored support for members, and serving as external point of contact for the Coalition.

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<sup>3</sup> As of May 2015, the group comprises Canada, Estonia, Germany, Mongolia, the Netherlands, Norway, United Kingdom, and the United States.

The Support Unit function is currently performed by Global Partners Digital (GPD), a social purpose company based in London. The work of the FOC Support Unit is supported by voluntary grants by several FOC members (see next section). The current arrangement with GPD expires at the end of 2016.

## **FOC Coordination and Communication**

### *Internal Communication*

In between the annual FO Conferences, FOC members coordinate their activities via a designated FOC listserv administered by the Secretariat, and are often prompted by discussions that occur on the monthly Friends of the Chair calls. FOC Working Groups each have their own designated listserv.

In addition, several times a year, the FOC convenes in-person Coordination and Strategy Meetings to review the progress towards Coalition's goals, its outreach activities, and its strategic direction. These meetings are usually convened on the margins of other international forums. Following a decision made by FOC members in Mongolia in May 2015, the minutes of Coordination and Strategy 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<sup>4</sup>. The website was 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](#) and [Facebook](#) accounts, and a monthly [newsletter](#) that summarizes FOC-related news and events in the month preceding its publication. These public communication channels are administered by the FOC Secretariat.

In addition, over the years, the FOC (either via the Secretariat, its Working Groups, or through individual members) has hosted a range of outreach events and public workshops at key international events including the Internet Governance Forum, World Press Freedom Day, the UNGA, etc. However, in the absence of a comprehensive communications strategy, these outreach efforts have been largely *ad hoc*.

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<sup>4</sup> [www.freedomonlinecoalition.com](http://www.freedomonlinecoalition.com)

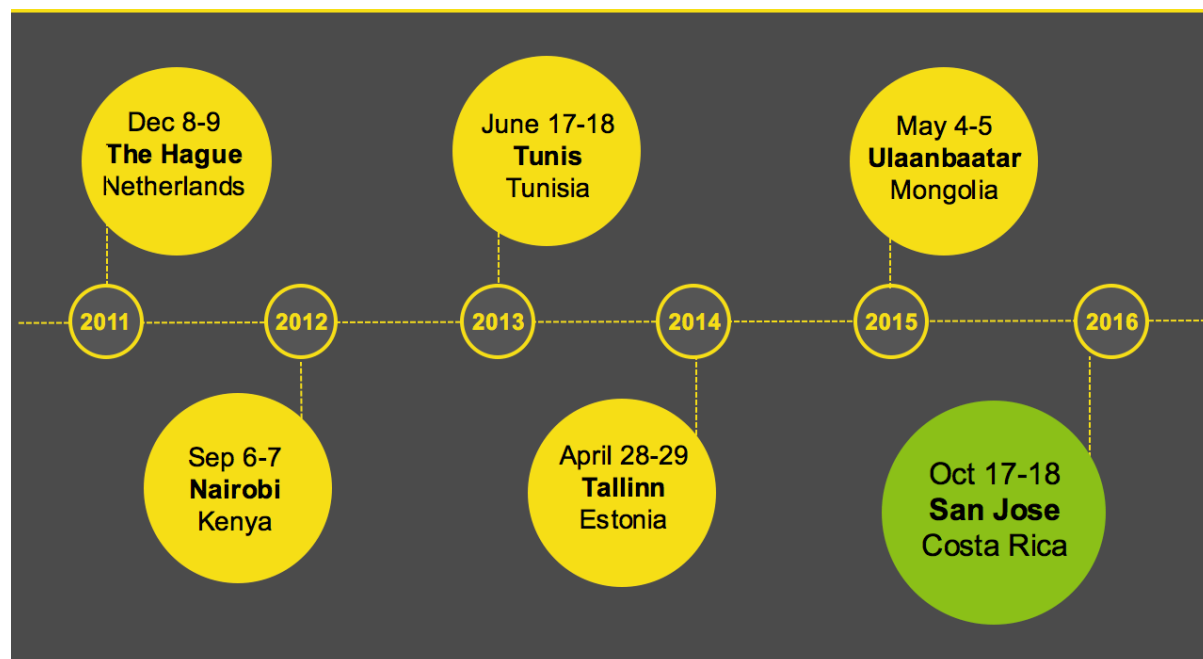
## WORK OF THE FOC

FOC members work together to advance Internet freedom by coordinating their diplomatic efforts, sharing information, and voicing concerns over measures that curtail human rights online. In addition, the Coalition provides a platform for multistakeholder engagement through its annual Conference and Working Groups, and makes continuous efforts to engage civil society and the private sector in a constructive dialogue on issues related to online freedoms.

Over the years, the work of the Coalition has evolved considerably. Between 2011-2013, the focus of the FOC revolved largely around its annual 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 the work of its multistakeholder Working Groups.

### Annual Freedom Online (FO) Conference

Once a year, 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, and Ulaanbaatar. In 2016, the Conference will be held in San Jose, Costa Rica, October 17-18.



**Figure 3.** Annual FO Conference Timeline

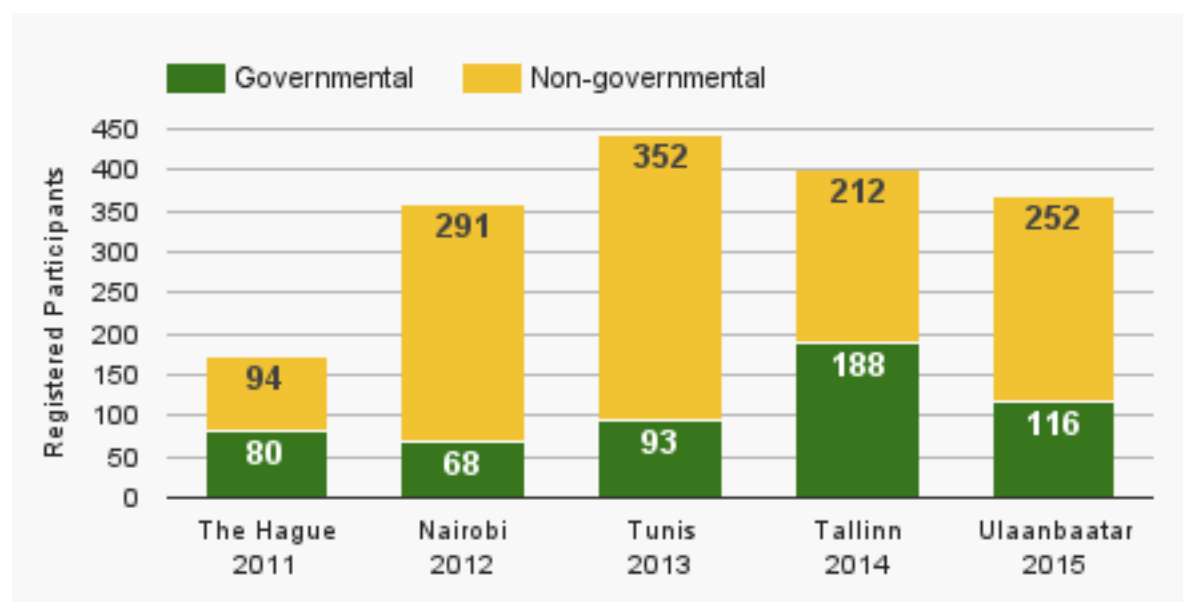
At the time of its inauguration in 2011, the annual FO Conference was unique in its ability to facilitate a multistakeholder dialogue on issues related to human rights online. Since then, as the global landscape evolved and the issue gained currency elsewhere, the value proposition behind the annual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



FO Conference	Participants (TOTAL)	Governments represented	FOC Governments	Government participants	% of total participants
The Hague, 2011	174	21	13	80	46%
Nairobi, 2012	359	14	12	68	19%
Tunis, 2013	445	27	19	93	20%
Tallinn, 2014	400	46	18	188	47%
Ulaanbaatar, 2015	368	28	23	116	32%

**Table 1.** Annual 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.



**Figure 4.** Annual FO Conference Participation Breakdown

The ownership of the Conference program and outputs lies with the host country. Before finalizing 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.

## Diplomatic Coordination and Joint Action

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. 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 United Nations Human Rights Council, the Internet Governance Forum (IGF), and the Stockholm Internet Forum.

Coordination around specific events or processes is complemented by activities of networks of FOC representatives in Paris, Geneva and New York. These networks are coordinated by local FOC representatives and serve as an opportunity to coordinate viewpoints, share relevant information, and discuss strategies to advance an open Internet in each context. A notable example of effective FOC diplomatic coordination took place in the run up to UNESCO's 'Connecting the Dots' conference in March 2015. On this occasion, the FOC network in Paris facilitated cross-regional coordination and submitted a joint FOC input into UNESCO's Internet Study. Other examples of coordinated FOC input into relevant international processes include:

- The [joint statement](#) delivered at the OSCE Internet Freedom conference in Vienna in February 2013 by the permanent representative of the Netherlands;
- The [joint statement](#) delivered at the OSCE Human Dimension Implementation Meeting in Warsaw in September 2013 by the permanent representative of Estonia;
- The [joint statement](#) presented by the Ambassador of Mongolia at the Human Rights Council in June 2015.

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. Most recent examples of joint FOC statements include<sup>5</sup>:

- The [joint statement](#) on the use and export of surveillance technology (2014)
- The [joint statement](#) on restrictions on access to social media (2014)
- The [joint statement](#) on restrictive data localization laws (2015)
- The [joint statement](#) on cross-border attacks on freedom of expression online (2016)

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.

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<sup>5</sup> For a full list of FOC statements please see [here](#).

## Working Groups<sup>6</sup>

Following the annual Conference in Tunis in 2013, the FOC decided to establish three multistakeholder working groups to strengthen continuous cooperation towards practical outcomes on key issues of concern to Internet freedom and human rights. The thematic focus of the groups was drawn from the three thematic work-streams that framed the Tunis Conference.

The groups were designed to act as a mechanism for multistakeholder engagement, consisting of up to 15 selected members, including representatives from civil society, academia, and the private sector, as well as government representatives from FOC member states. The terms of reference for members are available [here](#).

The Working Groups hold two main functions:

- To secure continuity and relevance of FOC engagement by working continuously throughout the year and in-between physical FOC meetings. The issue-based focus of the Working Groups facilitates substantive contributions by the FOC on key Internet freedom issues.
- To provide an avenue for multistakeholder engagement with FOC governments beyond the annual Conference. By providing a forum of regular communication with other stakeholders, this engagement goes beyond mere information exchange and encourages concrete and issue related cooperation to create tangible outcomes.

At the FO Conference in Mongolia, the mandates of all three Working Groups have been renewed until the upcoming annual Conference in Costa Rica (October 2016).

**Working Group 1 “[An Internet Free and Secure](#)”** (WG1): seeks to bring a human rights framing to ongoing debates on cybersecurity and develop meaningful outputs that feed into existing processes. As cybersecurity becomes a critical issue on the international agenda, there is a growing need for an informed debate on the relationship between governance, security, and fundamental rights and freedoms online, involving all stakeholders. The Working Group has developed a definition for cybersecurity, and a set of [normative recommendations](#) for cybersecurity that is human rights-respecting by design.

WG1 is co-chaired by the Dutch government and Matthew Shears. FOC governments participating in WG1: Canada, United States

**Working Group 2 “[Digital Development and Openness](#)”** (WG2): seeks to provide a timely contribution to new and arising challenges for promoting the respect for human rights online and connecting the established rule of law community with the Internet freedom community. Although the salient value of the rule of law at both the national and international level is now well recognized, actions to further strengthen rule of law principles and good practices rarely include Internet-related aspects. The Working

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<sup>6</sup> Information below represents the status of FOC Working Groups at the time of publication. For more information about the development of WGs’ focus and membership, please refer to the relevant sections of the FOC website.

Group seeks to analyse current scenarios where the application of the rule of law online fails to promote these values and highlight areas where further research should be undertaken to meet the Group's aim.

WG2 is co-chaired by the Swedish government and Katrin Nyman-Metcalf. FOC governments participating in WG2: Germany, Latvia, Moldova, United States

**Working Group 3 “[Privacy and Transparency Online](#)”** (WG3): focuses on the relationship between governments and information & communications technology (ICT) companies, with a particular emphasis on respecting freedom of expression and privacy. In furtherance of that objective, the group intends to explore the privacy and transparency practices of governments and companies, including through requests for user data, content restriction, and network shutdown. Following a series of consultations with governments and companies, the Working Group published [this report](#) that looks at the current state of play, opportunities for and challenges to greater transparency at the intersection of states and ICT companies.

WG3 is co-chaired by the UK government and Katharine Kendrick. FOC governments participating in WG3: Germany, Sweden, United States

### **Digital Defenders Partnership (DDP)**

At the FOC conference in Nairobi, the Coalition launched the [Digital Defenders Partnership](#) – an initiative to support innovative solutions to the protection of bloggers and online activists in danger, and to provide quick support in response to a range of emerging threats to internet freedom. The Partnership is managed by Hivos and funded through financial support of the Netherlands, the United States, the United Kingdom, the Republic of Estonia, Republic of Latvia, Czech Republic and the Swedish International Development Cooperation Agency.

## **FINANCING AND BUDGET**

### **Core Costs**

Running the FOC has become more expensive as its membership grew and its activities proliferated beyond the annual 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 annual Conference, and activities of FOC Working Groups.

### **Annual Conference Costs**

The financial arrangements of the annual Conference are handled by the host country. The core Conference costs vary from year to year. Between 2014 and 2016, 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.

## **ANNEX II: EXTERNAL REPORT**



# Clarifying Goals, Revitalizing Means: An Independent Evaluation of the Freedom Online Coalition

Susan Morgan



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## About the Author

Susan Morgan has twenty years' experience working in both the public and private sectors. For the last fifteen years she has worked in the technology sector. Now a London-based freelance consultant, she was the first Executive Director of the Global Network Initiative, a Washington DC located multistakeholder initiative focused on the responsibilities of technology companies to protect the free expression and privacy rights of their users when receiving government requests around the world. Prior to that, she worked for British Telecom (BT) in the commercial heart of the business and then on corporate responsibility issues, leading BT's strategy, policy and public reporting across the company. The first seven years of her career were with The Industrial Society, now known as The Work Foundation. She has a BA and MA in Politics from Durham University, UK. You can find out more about her work at <http://www.susanmichellemorgan.com>

The author would like to thank the many people who participated in this work by giving their time, thoughts, and ideas in interviews and a consultation in Brazil at the Internet Governance Forum, John Remensperger, PhD student at the Annenberg School for Communication for his research assistance on Annex B, as well as Briar Smith, associate director of the Center for Global Communication Studies, for editorial assistance.

## About the University of Pennsylvania Center for Global Communication Studies and the Internet Policy Observatory

The Center for Global Communication Studies (CGCS) is a leader in international education and training in comparative media law and policy. Based at the Annenberg School for Communication (University of Pennsylvania), CGCS produces original research, offers opportunities for graduate students, organizes conferences and trainings, and provides consulting and advisory assistance to academic centers, governments, and NGOs. The Center's interdisciplinary research and policy work address media regulation, media and democracy, monitoring and evaluation of media development programs, public service broadcasting, and the media's role in conflict and post-conflict environments.

CGCS's Internet Policy Observatory (IPO) is a program tasked with researching the dynamic technological and political contexts in which Internet governance debates take place and provides a networking function among relevant communities of activists, academics, and policy makers. The Observatory sponsors research and studies ongoing events and key decisions on Internet policy. To learn more about the project or to inquire about research collaborations with the IPO, please visit [globalnetpolicy.org](http://globalnetpolicy.org) or email [internetpolicy@asc.upenn.edu](mailto:internetpolicy@asc.upenn.edu).

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## Executive Summary

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As the Freedom Online Coalition approaches its five year anniversary, it commissioned this research to review the cumulative work of the Coalition, assess its effectiveness and specifically get feedback on four key areas – membership, governance and structure, the Coalition’s efforts and activities, and funding.

Thirty interviews with government representatives, members of civil society, business representatives, and academics were conducted between September 2015 and January 2016, along with an in-person consultation with 14 stakeholders in Brazil in November 2015. Desk research was also conducted on five similar types of organizations for comparative purposes.

The findings of this research show that there is significant support for the existence of the Coalition and for it continuing as a government only coalition. However, there are also a number of criticisms of the FOC, including the lack of transparency about its activities, inadequate consequences for countries not meeting their commitments, and frustration at the ambiguity of the aims and objectives of the Coalition and the few tangible results that have been produced so far. A number of respondents also talked about the ways in which the Snowden revelations have complicated efforts to work on Internet freedom. There are specific recommendations in each of the four areas covered in the evaluation, but the highest priority suggestions for the Coalition moving forward are as follows:

- **Clarify the aims and objectives of the Coalition;**
- **Increase the legitimacy of the Coalition by establishing a mechanism through which stakeholders can raise concerns about the actions of a member government;**
- **Institute a mechanism whereby members’ performance at meeting their commitments can be periodically reviewed;**
- **Establish more stable funding for the Coalition through the introduction of multi-year commitments and a tiered funding model;**
- **Create a formal link between the working groups and the FOC’s governance in order to ensure that outputs from the working groups are considered and responded to by the FOC;**
- **Improve the Coalition’s communication, clarifying membership criteria and rendering more transparent, to the extent possible, its diplomatic interventions.**

The Coalition is still a young institution and some of the stumbling blocks it faces are a reflection of this. However, there are issues that the FOC must address to increase its effectiveness. Ultimately, the question for the Coalition is whether it can rise to the challenge of leading the global conversations that will drive action and policy making on Internet freedom in an increasingly complex world.

# Introduction

Launched in 2011 in The Hague soon after the revolution in Tunisia and political upheaval across the Middle East, the Freedom Online Coalition was first formed as a loose Coalition of 15 countries working to advance Internet Freedom.<sup>1</sup> At its foundation is the principle that offline human rights ought to apply online and that a free and open Internet is in service of human rights and contributes to development and economic growth. The Tallinn declaration several years later added further detail to the focus and commitments of the Coalition.<sup>2</sup> The website of the Coalition has more information about its work.<sup>3</sup>

The landscape of Internet freedom has evolved dramatically since 2011 and the Coalition has itself undergone considerable expansion and development since its formation. It now has 29 members (see Annex A for a full list of members) and has established working groups on specific aspects of Internet freedom that include members of civil society, industry representatives and academics.

The FOC's primary efforts in its first couple of years were hosting an annual Internet Freedom conference and the creation of the Digital Defenders Partnership, a fund for individuals and organizations working to defend a free and open Internet who may have found themselves at risk. In 2013, three working groups were established that brought that brought other stakeholders (civil society, business, and academics) to the FOC's table.<sup>4</sup>

The day-to-day activity of the Coalition is led by the Coalition Chair, who rotates on an annual basis. The Chair also hosts the annual conference in their country

and is supported by the Friends of the Chair, a group of the most involved countries in the Coalition, including the previous Chair. The Coalition is supported by an external Secretariat that provides coordination, administrative support and acts as a point of contact for anyone wanting to know more about the Coalition.

In the last five years, the broader Internet freedom and Internet governance agendas have developed significantly. Before this, the Tunis Agenda that emerged from the 2003 Geneva World Summit on the Information Society (WSIS) and 2005 WSIS in Tunis led to the creation of the Internet Governance Forum (IGF). The IGF brings together several thousand stakeholders from civil society, business, academia and the technical community at an annual week-long event to discuss public policy issues relating to the Internet. A number of regional and national IGFs have been created to continue those discussions at a more local level.<sup>5</sup>

In the years since the Arab Spring, which jettisoned concerns about free expression and privacy to the top of the global agenda, the topic of online human rights has been a prominent feature at the IGF. Following the resolution passed at the Human Rights Council in 2012 that the same rights that apply offline also apply online, there have been a number of reports produced by the UN in the last few years focused on issues related to Internet freedom and human rights.<sup>6</sup> The first was by Frank La Rue, the UN Special Rapporteur on the Promotion and Protection of Freedom of Expression and Opinion.<sup>7</sup> The following year saw "The Right to Privacy in the Digital Age" published, which led to the creation of the first Special Rapporteur on the Right to Privacy.<sup>8</sup> In 2015, David Kaye, the UN Special Rapporteur on

1 Freedom Online: Joint Action for Free Expression on the Internet, Publication, February 2013, <https://www.freedomonlinecoalition.com/wp-content/uploads/2014/04/1-The-Hague-FOC-Founding-Declaration-with-Signatories-as-of-2013.pdf>.  
 2 Ministers of the Freedom Online Coalition, Recommendations for Freedom Online, Publication, April 28, 2014, <https://www.freedomonlinecoalition.com/wp-content/uploads/2014/04/FOC-recommendations-consensus.pdf>  
 3 Freedom Online Coalition, last modified April 2016, <https://www.freedomonlinecoalition.com/>  
 4 Working group 1 – A free and secure Internet; Working group 2 – Digital development and openness; Working group 3 – Privacy and transparency online

5 "IGF Initiatives," Internet Governance Forum, last modified 2016, <http://www.intgovforum.org/cms/igf-initiatives>.  
 6 United Nations, Human Rights Council, 20/8. The Promotion, Protection and Enjoyment of Human Rights on the Internet, Geneva: United Nations, 2012, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/20/8](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/20/8)  
 7 United Nations, Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, By Frank LaRue, Geneva: United Nations, 2011, how to [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.40\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.40_EN.pdf).  
 8 United Nations, United Nations High Commissioner for Human Rights, The Right to Privacy in the Digital Age, Geneva: United Nations, 2014. [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37\\_en.pdf](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37_en.pdf).

the Promotion and Protection of Freedom of Expression and Opinion, produced a report on encryption that explored whether or not free expression and privacy rights protect secured communication using encryption and anonymity and the extent to which governments can impose restrictions.<sup>9</sup>

The 2013 Snowden revelations about the surveillance activities of the National Security Agency in the US and Government Communications Headquarters in the UK rocked Internet policy communities worldwide and shone a spotlight on the activities of liberal democracies as well as repressive states.

A number of organizations have emerged in recent years that concentrate on these issues, for example the Global Network Initiative, which brings tech companies together with human rights organizations, investors and academics. Established organizations such as the American Civil Liberties Union, the Electronic Frontier Foundation, AccessNow, Bytes for All, the Centre for Internet and Society, Derechos Digitales and Privacy International are either fully focused on these issues or have incorporated them into their work. Many foundations that fund civil society work are increasingly

developing specific digital rights programs including HIVOS, which runs the Digital Defenders Partnership launched by the FOC.

Within this landscape, the FOC is uniquely a government-only coalition focused on Internet freedom. This gives it the opportunity to advance the cause of Internet freedom through diplomatic interventions and its Digital Defenders Partnership as well as facilitating communication and contact between governments and other stakeholders within the working groups.

The Freedom Online Coalition commissioned this independent evaluation as it approaches the fifth year since its launch, with the intention of assessing the work of the Coalition to date, getting feedback from stakeholders, and seeking recommendations to increase the FOC's future effectiveness. There was particular interest in four areas – membership of the FOC, the governance and structure of the FOC, feedback on the importance of the current activities of the Coalition, and funding. This report will feed into a wider review of the FOC's work that is being run by a working group within the Coalition. The recommendations in this report are a combination of those that come from the author, as well as those that came from synthesizing interviewee and consultation responses.

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<sup>9</sup> David Kaye, "Report on Encryption, Anonymity, and the Human Rights Framework," The Office of the United Nations High Commissioner for Human Rights, 2015. <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/CallForSubmission.aspx>.

## Methodology

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The research for this evaluation was carried out during September 2015 to January 2016 using a combination of in-person and phone interviews, an in-person consultation at the Internet Governance Forum (IGF) in João Pessoa, Brazil in November 2015, and desk research.

Two interview questionnaires, one for government members and one for all other stakeholders, were designed to extract feedback from respondents about the four key areas of the evaluation – membership of the Coalition, the governance and structure of the FOC, the current focus of activities of the FOC, and funding. The questionnaire for government members included a greater degree of detail, reflecting the fact that they are more closely involved in the day-to-day work of the FOC. Opinions were also sought about Coalition successes thus far, challenges and opportunities that the Coalition faces and what benefits people see from working with or being part of the Coalition.

The desk research was designed to complement the information gathered from the primary research to provide useful comparative information on these issues as the recommendations were drawn up. The same four areas of interest (membership, governance, focus of activities, and funding) were reviewed over five similar organizations (The Community of Democracies, The

Open Government Partnership, The Voluntary Principles on Security and Human Rights, the Extractives Industry Transparency Initiative and the International Code of Conduct Association).

Thirty interviews were carried out with government representatives from the Coalition, members of the Coalition working groups, and other external stakeholders not involved in the Coalition's work. Government representatives, civil society organizations, industry representatives, and academics were interviewed. The author was given the names of government representatives and working group members by the FOC from which a list of interviewees was developed. Ten government representatives were interviewed and twenty non-government members, including four company representatives, seven from civil society, three academics and six Internet freedom experts who are not currently involved in the FOC's work.

At the IGF, 14 people representing different stakeholder groups attended a 90 minute focus group-like consultation and were asked the same set of questions. Government representatives were not present at the consultation in Brazil.

The Center for Global Communications Studies at the University of Pennsylvania provided project support, methodological guidance, and editorial assistance.

## Findings

The first section of the questionnaire asked a series of general questions about motivation for joining the FOC, benefits of membership, successes and shortcomings of the organization, as well as the the FOC's challenges and opportunities.

### Reasons for Joining the Coalition and the Benefits of Membership

When government members were asked why they had joined the FOC, the most frequent response was a desire to support the Internet freedom agenda in the face of restrictions to a free and open Internet that were being seen around the world.

**“In 2011, Internet freedom was already one of the top priorities for the Swedish government. Trying to build a group on these issues that could be a stronger voice on an international level was a key motivation.”**

Frida Gustafsson, Attaché, Permanent Delegation of Sweden to the OECD and UNESCO

**“The restrictions we were seeing being placed on the Internet in many parts of the world at the time were a key reason for it being established.”**

Stephen Lowe, Freedom of Expression Team Leader, Human Rights and Democracy Department, Foreign and Commonwealth Office, UK

**“The Coalition brings together three issues that are very important to Costa Rica: Human rights, the respect for freedom, and the Internet.”**

Mario Hernandez, official of the Ministry of Foreign Affairs of Costa Rica in the team for the Freedom Online Coalition

From the perspective of the Coalition's government members, the most frequently mentioned benefit of membership was improved diplomatic coordination and the opportunity to work with like-minded government partners to break through some of the traditional diplomatic blocks. Because the Coalition's structure combines member governments and the involvement of other stakeholders through the working groups and because the nature of diplomacy is often off the record, this benefit is largely invisible to those interviewees outside government and did not feature in their responses.

Other benefits that Government representatives highlighted included:

- Demonstrating to other parts of their own governments that it is possible to work constructively with other stakeholders, particularly civil society;
- Facilitating engagement with other parts of government on Internet freedom and its connectedness with other issues such as cyber security and national security;
- Raising the visibility of their government at international events such as the IGF;
- Using the Coalition as a valuable venue to talk about security and human rights concerns;
- Facilitating the use of diplomatic channels to progress towards the 2012 Human Rights Council resolution regarding the same rights applying online that apply offline;
- Increasing knowledge within government of rapidly evolving technology and the potential implications for human rights.

**“It has been a reasonably constructive space to discuss how we balance our need for national security with our human rights obligations.”**

Stephen Lowe, Freedom of Expression Team Leader, Human Rights and Democracy Department, Foreign and Commonwealth Office, UK

**“When we are talking about Internet freedom we can say we are working with a lot of other countries through the Freedom Online Coalition, so it is useful public diplomacy.”**

Australian government official

In contrast, when asked about the benefits of being involved in the FOC, non-governmental stakeholder responses were inflected differently. For example, these respondents appreciated the collective sharing of challenges among stakeholders, gaining insight into the way in which governments work on Internet freedom both publicly and privately, learning about dilemmas faced by companies, finding areas of common interest to work on, as well as the role the FOC working groups play in sustaining a global, multistakeholder conversation about Internet freedom.

**“There is a lot of US expertise on these issues among non-government stakeholders so having people from other countries in the working groups helps that expertise to develop and also makes sure that voices and perspectives from other countries are included.”**

Stefan Heumann, Member of the management of Stiftung neue verantwortung

## The FOC’s Successes

Respondents across all stakeholder groups most frequently cited the FOC’s creation of a space for government coordination and engagement on critical topics with other stakeholders through the working groups as a success.

Other successes cited include:

- The growing number of member states;
- The quality of the substance and discussion in the working groups;
- The fact that the annual conferences have been held in locations around the world, including the Global South;
- Opening up conversations on critical subjects and raising awareness of Internet freedom;

- Its uniqueness as a coalition of like-minded states;
- The Digital Defenders Partnership.

**“The Tallinn Agenda makes it possible for companies operating in those markets to have a conversation about their commitments.”**

Patrik Hiselius, Senior Advisor, Digital Rights, Teliasonera

**“One of their successes is that it created a space for governments to have conversations when they didn’t have the forum or the space to do so.”**

Eduardo Bertoni, Global Clinical Professor, New York University, School of Law

## FOC Shortcomings

A majority of respondents mentioned the lack of concrete deliverables and the difficulty in pointing to specific impacts the Coalition has had as shortcomings. Common responses include:

- A lack of clarity on what the Coalition is and what it is trying to achieve;
- The challenge of pointing to tangible results and successes since the creation of the Coalition and the need to create clearer metrics to measure successes;
- The need for better external communication about the Coalition’s work;
- Poor senior level government attendance at the most recent FOC conferences.

Depending on the stakeholder affiliation of the respondent, shortcomings were expressed differently. For example, government representatives were more likely to talk about the challenge of defining the FOC’s work post-Snowden, but other stakeholder groups were more likely to talk about hypocrisy and questioned whether signing up to the FOC commitments is making any tangible difference in member countries.

Other shortcomings mentioned include:

- The relative weight of resources and institutional emphasis given to cyber security rather than Internet freedom within governments;
- The invisibility of the diplomatic work of the Coalition to those outside the FOC (including to members of the working groups);
- The lack of a significantly diverse global membership;
- The perceived inadequate response to the growth of restrictions on Internet freedom, including among FOC member countries;
- The uneven capacity among member countries and its impact on active involvement in the Coalition;
- A lack of clarity on whether the principles of the Coalition are being followed by members and unclear consequences for membership if they are not;
- The slow pace of progress in the working groups (particularly in Working Group Two on Digital Development and Openness) and the creation of joint statements from the FOC.

**“I’ve seen very little media coverage of anything the FOC does, and I think journalists who cover these things have probably not heard of the FOC. That is unfortunate.”**

Rebecca MacKinnon, Director, Ranking Digital Rights at New America

**“There’s a major tension point now with what the purpose of the FOC is. We have to figure out what we can all work on together in order to improve our goals.”**

Chris Riley, Head of Public Policy, Mozilla

## Challenges and Opportunities for the FOC

Respondents registered both frustration and optimism when asked about challenges and opportunities for the FOC. Some were skeptical about its ability to achieve meaningful change but others were more optimistic that concrete achievements were just a matter of time, especially if the FOC actively confronts roadblocks such as the different levels of interest among member states.

Other challenges identified included:

- Broadening membership geographically;
- Keeping members engaged and committed to a strong set of principles;
- Creating greater clarity on the added value of the FOC and what it is trying to achieve;
- The discrepancy between what members of the FOC have committed to and what they do in practice;
- The need for some kind of accountability mechanism to address instances in which member governments are not meeting their Internet freedom commitments;
- Developing specific indicators and measures of success;
- Recapturing credibility after the Snowden revelations;
- Ensuring that the people in the room have the authority within their governments to make policy.

Opportunities:

- Promising growth in the membership of the Coalition and the opportunity to involve a broader range of governments in its mission;
- Building on the solid foundation that already exists among the working groups to deliver high quality, substantive outputs;
- Championing an online human rights framework through the establishment and promotion of best practices in Internet policy-making;

- Facilitating honest discussion among members about the challenge of meeting FOC commitments in the present global environment;
- Creating something like the Universal Periodic Review to evaluate progress on member commitments;<sup>10</sup>
- Acting as a counterweight to the top down vision of Internet governance promoted by some authoritarian states;
- Developing a capacity-building model that offers added value to FOC members.

**“The FOC could potentially be a platform through which best practices get established and promoted and that would be a very good thing.... I’ve seen some evidence of best practices being suggested by the working groups but I’m not seeing any evidence of best practices being implemented by governments yet.”**

Rebecca MacKinnon, Director, Ranking Digital Rights at New America

## Membership of the Coalition<sup>11</sup>

Respondents were asked whether they thought other stakeholders should become full members of the Coalition. The majority of all interviewees (22) thought Coalition membership should continue to be government only. Two were supportive of making it a multistakeholder initiative and six either didn’t have a view or didn’t know. Several people commented on the difficulty of having a firm view on this until there is greater clarity on the overall purpose of the Coalition. Some respondents, although supportive of the idea of retaining it as a government-only coalition, wanted to

see a greater link between the working groups and the FOC.

Since its launch in 2011, the Coalition has grown from 15 to 29 members. When asked about whether continuing to grow the membership of the Coalition was important, 17 respondents wanted to see a greater emphasis on the quality of membership rather than the quantity of members. Once again, many respondents said that this decision depends on more clarity about the purpose and objectives of the Coalition itself. Several respondents pointed out that it shouldn’t be a binary choice between growing the Coalition or not, but more about ensuring better geographic and regional membership of the Coalition in a way that does not negatively impact its principles. Ten respondents (six of them government respondents) were of the view that growing the membership should be the priority, and three respondents did not have an opinion on this topic.

**“I would definitely go for a high bar rather than a universal approach. If you’re going to call it the Freedom Online Coalition then the goal should be to preserve freedom online and create certain conditions for membership.”**

David Kaye, UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

Many respondents did not have strong views on whether the current, fairly informal procedure to join the FOC should be made more formal. Thirteen (six of whom were government members) were in favor of adopting a more formal procedure, five were not in favor, and 12 either had no view or didn’t know. Many of the non-government respondents were unaware of the current procedure.

There was support for the idea of creating a tiered level of membership or some kind of observer status from 19 respondents. Three were not supportive, and eight did not express an opinion.

One of the key issues this evaluation addressed is whether membership in the FOC should entail ongoing commitments. In the current model, once a government has joined, there is a requirement to uphold the

10 “Universal Periodic Review,” United Nations High Commissioner for Human Rights, last modified in 2016, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>.

11 The remaining parts in this section of the report break down the responses that were received on the four key areas of membership, governance and structure, the focus of the activities of the FOC and finances. The number of respondents in this report is too small to meaningfully break out into percentages along the different stakeholder groups. Where there are particularly interesting differences in the responses between different stakeholder groups these are pointed out.



founding principles, but there is no mechanism of enforcement. There was almost unanimous support for some manner of standard, continued commitments for FOC members across all categories of respondents. Only two interviewees expressed reservations, largely around how practical it would be to introduce ongoing commitments at this stage.

**“I think there should be some sort of standard that members keep up to and some obligation that they should respect and fulfill.”**

Mario Hernandez, Ministry of Foreign Affairs of Costa Rica official on the Freedom Online Coalition team

Determining a set of commitments for FOC members is inextricably linked with the Coalition’s goals. The core issue to be determined is whether the Coalition is an outward facing initiative seeking impact on the ground or a more inwardly focused organization concerned with monitoring the performance of members who have made a commitment to Internet freedom. Many participants in this evaluation thought the Coalition needed to establish a mechanism for demonstrating whether or not member governments are meeting their commitments. Interviewees most frequently cited the Universal Periodic Review (UPR) that takes place through the UN Human Rights Council as an example of how this might be done. The UPR could be used as the basis to develop a similar type of mechanism for the FOC. Alternatively, issues of Internet freedom already appear in the UPR process itself and it would be worth exploring the possibility of this being increased so that outcomes from the UPR could be part of the FOC mechanism.

A number of interviewees brought up the failure of some governments to play an active role in the Coalition, citing the lack of participation from a number of governments at the 2015 annual FOC conference in Ulaanbaatar as an example. Lack of resources among some countries contributes to this issue, but respondents felt there should be minimum requirements, including attendance at the annual conference, in order to be members in good standing of the FOC.

Suspension or removal from the Coalition, and what (if anything) ought to trigger it, was the final section of the questionnaire’s section on membership. Even

though the Coalition is a voluntary, government-only organization, there was remarkable consensus among respondents that there ought to be a mechanism to either suspend or remove members.

**“While there is desire to expand membership in the FOC to increase global awareness and support for freedom online, there should be a vehicle or mechanism for challenging members in their failure to live up to their commitment.”**

Eileen Donohoe, Director of Global Affairs, Human Rights Watch

Some respondents had concerns about the practicality of implementing and enforcing these mechanisms. A contingent felt FOC members should be able to vote to remove members, but several pointed to the challenges of voting to remove members, given potential diplomatic issues that could arise. One government representative suggested a connection between a periodic review and a reaffirmation of a government’s commitment to being a member of the Coalition every few years. Several respondents wanted to see the same governance process for both joining the Coalition and potential removal or suspension of membership.

### *Recommendations*

- **Keep the Coalition’s membership restricted to governments but review this in two to four years. At this stage, the FOC’s government-only composition is its uniqueness but, as its efforts progress, bringing stakeholders formally into the governance structure may make sense and should not be ruled out;**
- **Create a mechanism for a stakeholder from each working group to act as a liaison between the working group and FOC members. This will help build trust and more open communication between the FOC and the working groups;**
- **Develop clearer membership criteria that explains the ongoing expectations for members and aids other stakeholders’ understanding these commitments;<sup>12</sup>**

<sup>12</sup> For example, who is involved in the decision, and a publicly available process for applying. The application process should include a self-assessment from the applying Government on their current performance measured against the Coalition’s principles.

- After the Coalition's rapid growth, it should suspend new membership for a period of 12 months to consider the other recommendations from this report and implement its response;
- Institute minimum membership participation standards, such as participation in the annual conference;
- Revisit the idea of an observer status for the Coalition within two years;
- Create a mechanism for stakeholders to raise concerns about the performance of a particular Coalition member which includes the requirement for the member government to respond;
- Over the longer term, create a review mechanism (possibly every three years) for Coalition members' progress to be evaluated, using the Universal Periodic Review as a model. During the development of this mechanism, the Coalition will need to consider whether to introduce the potential suspension or removal of members.

## Governance and Structure of the Coalition

Government respondents were asked a more detailed set of questions about the FOC's day-to-day functioning. These focused on the role of the Chair, the Friends of the Chair and the Secretariat.

Many government interviewees felt a tension between the current informal arrangements for governance and the potential need to evolve into a more formal structure as the Coalition matures.

When asked if there needed to be a more formal way of selecting the Chair, the majority of respondents (seven out of ten) were in favor of the current informal process. Currently, the Chair of the FOC hosts the annual conference, and a number of respondents noted that this can be a burden on non-Western states with more limited resources, and is contradictory to the desire among members to see more even participation among member states. Three people suggested the creation of a rotating Vice-Chair that would host the conference, easing the Chair's burden. Nine of the ten government representatives interviewed thought that the development of terms of reference for the Friends of the Chair would be beneficial, particularly one which ensures continuity within the group and precludes a

possible scenario where all members step down or rotate at the same time.

In comparison, all five organizations whose structures were reviewed (see Annex B) have a more formal overall structure, including a board, board terms and the development of an overall governance framework. With the exception of the Open Government Partnership, however, the FOC is a much younger organization, which may help to explain this informality.

### *The Secretariat*

Global Partners Digital, a London-based social purpose company, currently provides the Secretariat support for the Coalition. This service is currently done on a one year contract basis. Government representatives were very complementary about the support they receive and the vital role that the Secretariat provides in keeping the Coalition on track.

The questionnaire tailored to FOC government members asked respondents their opinion about the establishment of a permanent Secretariat (all the comparative organizations reviewed have established one, with the exception of the Voluntary Principles on Security and Human Rights – see Annex B). There was provisional support from six government members for the creation of a permanent Secretariat, although many of those who supported the idea raised practical concerns such as the current lack of long-term funding for the Coalition, which would make the appointment of permanent staff challenging. Two respondents supported the current model and two were unclear as to what approach should be taken.

There was unequivocal support for the current contractual Secretariat arrangement to be reviewed on a regular basis if this model is retained (on a once every three-to-five year basis) and also for the competitive tendering of the contract. Currently those governments that contribute financially to the working of the Coalition pay for the Secretariat, and one person thought that those who contribute financially should determine the choice of the Secretariat.

On the whole, non-government stakeholders were not very familiar with the current arrangements, and of these, 12 expressed no view on the effectiveness of the governance structure of the Coalition. Those who did express views did so mainly around improvements

that could be made to the working groups, such as ensuring geographic diversity, and aligning stakeholder expectations with the outputs of the working groups. For example, it was mentioned that there needs to be clarity on whether/how the Coalition will consider the output from the working groups and whether it will implement any recommendations.

**“There’s a kind of disconnect between the working groups and the Chair and Friends of the Chair at the Coalition that could be improved.”**

Lucy Purdon, ICT Project Manager, Institute for Human Rights and Business

### *Recommendations*

- **Introduce a Vice-Chair role while retaining the current informal arrangements for the selection of Chair;**
- **Consider revising the role of Chair such that it provides strategic direction for the Coalition and the Vice-Chair hosts of the annual conference;**
- **Develop concise terms of reference for the Friends of the Chair group;**
- **Institute a multi-year contract for the Secretariat of the Coalition and competitively tender it with the understanding that the countries contributing financially to the Secretariat will get to make the final selection;**
- **Review the creation of a permanent Secretariat again when the FOC is more established;**
- **Align stakeholder expectations and Coalition governance. Now that the Coalition has other stakeholders involved, it should create a formal link between the working groups’ outputs and the Coalition;**
- **Take under consideration whether the current consensus-decision making model could act as a barrier to implementation of the recommendations in this report. A more formal structure may need to be developed to ensure decisions can be made when consensus cannot be achieved.**

## Coalition Efforts<sup>13</sup>

Interviewees for this project were asked to rate the importance of different efforts and activities of the Coalition with 1 being not at all important and 5 being very important.<sup>14</sup> Notably, most activities have a relatively high score, with the exception of the publication of FOC statements and the side events at other conferences such as the IGF. The FOC annual conferences were also not rated as highly by external stakeholders not currently involved in the Coalition.

When asked about the future areas of focus for the FOC over the next few years, issues relating to terrorism, security and openness, surveillance and the security of critical infrastructure and how this relates to Internet freedom were mentioned. In addition to continuing existing activities, respondents brought up working on normative standards at a regional level, beginning to issue government transparency reports, placing increased focus on diplomatic coordination, growing Global South membership, and being more outspoken about the actions of repressive regimes.

<sup>13</sup> Respondents were asked to rate the following Coalition efforts:

**The Digital Defenders Partnership** – A fund administered by Hivos to help individuals and organizations working in the digital emergency field.

**The Annual Conferences held by the Coalition** – Since its inception, the Coalition has held a conference once a year. So far, these have been held in The Hague, Tunis, Nairobi, Tallinn and Ulaanbaatar.

**The interchange of ideas and best practice within the Coalition**  
**Attending other conferences such as the IGF** – Delegates from the FOC now regularly attend events such as the IGF and RightsCon to discuss its work and hold consultations on specific issues on which the working groups are focused.

**The opportunity to work with other stakeholders through the working groups** – In 2013, three working groups were established that bring FOC members together with NGOs, industry, and academics. Each working group is co-chaired by a government representative and a stakeholder.

**Off the record meetings between the FOC and NGOs** – These give FOC members the opportunity to hear about the state of Internet freedom in specific countries.

**Publication of FOC statements** – The FOC has now issued a number of statements on specific issues setting out their position on Internet freedom.

**FOC work in regional networks e.g. HRC in Geneva and UNGA in New York** – The FOC is now leveraging its contacts in New York and Geneva to put forward FOC positions on relevant resolutions.

<sup>14</sup> In the interest of survey length, qualitative feedback about each activity or effort was not collected from the respondents.

Respondent Stakeholder Group						
Coalition Activity	NGO (7 respondents)	Academic (3 respondents)	Company (4 respondents)	Government (10 respondents)	External stakeholders not involved in Coalition (6 respondents)	Overall Average (30)
The opportunity to work with stakeholders in working groups	4.71	4.33	4.13	4.40	4.00	4.38
Internal exchange of best practice between FOC members	4.14	4.67	3.33	4.05	3.75	4.02
FOC Annual Conferences	3.57	4.00	5.00	4.35	2.75	3.98
Work with regional diplomatic networks e.g. United Nations General Assembly in New York and United Nations Human Rights Council in Geneva	4.14	4.67	3.50	3.80	3.00	3.85
Digital Defenders Partnership <sup>15</sup>	3.86	3.67	3.33	3.39	4.40	3.72
Off-the-record meetings with NGOs	4.00	3.67	3.00	3.80	3.33	3.73
Side events at conferences such as the IGF	3.86	3.67	3.13	3.60	2.75	3.48
Publication of FOC statements	3.71	2.67	2.75	3.75	3.33	3.43

**“The Freedom Online Coalition should be part of the cutting edge conversations that are happening in the world, for example the privatization of governance. Governments have the primary responsibility for security but the private sector owns the vast majority of critical infrastructure. This has huge implications for free speech and privacy.”**

Eileen Donohoe, Director of Global Affairs, Human Rights Watch

**“For the moment I think the Coalition should work on improving the internal structure, making the work more meaningful and engage in more best practice discussions, improve the working groups and integrate them better into the outputs of the FOC.”**

Stefan Heumann, Member of the management of Stiftung neue verantwortung

### Recommendations

- Significantly enhance the FOC’s sharing of internal best practices. This has the potential to offer real value to Coalition members, particularly those whose policies in the area of Internet freedom are less well developed;
- Develop a concise statement of goals and the ways in which the Coalition’s activities facilitate meeting these goals. This should include the role of other stakeholders involved in the work of the FOC.

### Funding

The FOC’s current funding comes from voluntary contributions by member governments with additional funding from industry for specific activities such as the annual conference and travel support for civil society members. The FOC budget has evolved over the past five years as the Coalition activities have expanded and developed, and it has fluctuated according to individual member states’ available funds. When compared to the other organizations reviewed for this work that make

<sup>15</sup> There was support for the Digital Defenders Partnership, but several respondents made the comment that they didn’t necessarily think it needed to be connected to the FOC.

financial information available on their website, the FOC's budget is considerably lower.

All stakeholders were asked whether the FOC currently has sufficient money to meet its mandate and whether it should consider other sources of funding, for example, from foundations or industry. FOC members were also asked whether all governments should be required to make some financial contribution to the running of the Coalition.

Non-government interviewees were mostly not aware of the of the Coalition's budget position (16 respondents answered 'Don't Know' to the question of whether the FOC's budget was sufficient to meet its mandate). Eight (of ten) government respondents felt the FOC's funding was insufficient, and the two who felt it was sufficient noted that it was not stable.

Eighteen respondents were in favor of other funding sources being considered, but for most of them, it was important that this be transparent, on a case-by-case basis, and for specific projects. The other ten respondents were of the fairly strong opinion that the Coalition should not receive outside sources of funding (two declined to offer their opinion), because it could effectively put governments in competition with civil society groups for limited external funding.

**“I think it would have to be very clear what is supported by the private sector but for specific activities I think there is value in exploring other possible funding.”**

Australian government official

FOC members were largely in favor (seven out of ten) of a financial contribution requirement from all member governments, but registered concern about it being a potential barrier to entry for developing nations.

### *Recommendations*

- **Be more transparent about the finances of the FOC via the website;**
- **On a case-by-case basis, other funding sources could be sought for specific projects in a way that does not place the FOC in a position where it is competing for funds with civil society;**
- **Draft a public statement about the ways in which the FOC will approach funding which should include a commitment to funding the day-to-day activities solely through member contributions;**
- **A simple, tiered funding model should be developed for member countries, including a nominal contribution for developing nations. Within the tiered system there should be an option of no financial contribution in order to not disincentivize developing nation membership.**

## Conclusions

Overall, the interviews conducted as part of this evaluation revealed support for the existence of the Coalition, support for it remaining government only, strong support for the creation of the working groups and their potential added value, as well as confidence from government representatives in the Coalition's outputs in the diplomatic arena. However, respondents frequently cited the need to sharpen the Coalition's aims and objectives, clarify ongoing membership commitments and address accountability in terms of whether members are upholding those commitments. It is evident from their willingness to take part in this evaluation that respondents are invested in the future successes of the Coalition, but there was substantial criticism of the Coalition to date from non-government respondents, particularly around plugging the gap between the working groups and the lack of tangible outcomes so far.

Now in its fifth year, the FOC's success is somewhat dependent on its ability to mature as an organization and take steps to increase its legitimacy through better understanding of whether member commitments are being met. The involvement of other stakeholders in the Coalition through the working groups marks an important evolution in the trajectory of the FOC but it has also generated different expectations for the Coalition's accountability. It is vital that the Coalition address these concerns or the future active participation of other stakeholders may be at risk.

The FOC has the opportunity to leverage its distinctive governmental composition and lead critically important conversations on how governments can live up to their Internet freedom commitments and objectives in the current complex environment. This will be difficult to do but has the potential to produce important concrete results.

**“The most important thing for me is an acknowledgement of tensions that have arisen and how to create the right incentives for deep engagement and collaboration.”**

Chris Riley, Head of Public Policy, Mozilla

## Recommendations

Contention around some recommendations in this evaluation will be inevitable, and the current consensus decision-making model of the FOC could be a potential barrier to making necessary changes. The utility of this decision-making model needs to be considered as the Coalition works out its response to the report and implements its next steps.

### *Clarifying the aims and objectives of the Coalition*

Interviewees were vehement about the need to explicate the aims and objectives of the Coalition given the many new activities the FOC has taken on in the last few years, the involvement of other stakeholders directly in its work, and the new reality following the Snowden revelations. The lack of clarity makes it difficult to measure whether the FOC is meeting its mandate. Clarifying the coalition's intentions and function (including the involvement of non-government representatives in the working groups) should begin immediately, followed by the development of an internal monitoring framework, complete with success indicators. The Foundation Declaration from the Hague Conference and the recommendations at the Tallinn Conference several years later lay out the fundamentals of the FOC's work and can be used to create standards against which the FOC can be assessed.

### *Increasing accountability*

Stakeholders need a mechanism whereby they can raise concerns about a member government. Creation of a light touch, preliminary model should be prioritized by the FOC and should include a requirement that the country of concern will respond to the issue.

Along these lines, the lack of consequences for members of the FOC who are not meeting their commitments, or who have changed their approach to Internet freedom since becoming members, is a significant concern. In contrast to the five organizations reviewed comparatively, although there is no common approach, they all stipulate expectations that have potential consequences if they are violated. This is one of the most important areas for the Coalition to address. The FOC should consider introducing a special work-

ing group to begin the introduction of a periodic review of members, along with a publicly available timeline for the implementation, which could include an acknowledgment that it will take some time to develop.

The current model is detrimental to its internal and external credibility. Minimum membership commitments should be developed, for example, attendance at the annual conference.

### *Developing the funding of the Coalition*

The Coalition is funded mainly through the voluntary contributions of a handful of members. A tiered fee structure for membership of the Coalition should be introduced. Members should be encouraged to make a financial contribution, but it should be voluntary in order to not disincentivize the membership of states with fewer financial resources to join.

Multi-year financial commitments from the FOC would enable an ongoing commitment to the Secretariat, and should be introduced. In the longer term, the FOC should consider whether it needs a permanent dedicated Secretariat.

### *Improving governance*

The involvement of other stakeholders in the working groups has complicated expectations among stakeholders. The interviews revealed a disconnection between the FOC and the working groups. The lack of clarity about the fate of work they produce is resulting in dissatisfaction among working group members. A more formalized link should be built into the governance structure with a commitment that the FOC will consider the output from working groups.

### *Improving external communications*

Diplomatic coordination is an important part of the Coalition's work but it is not currently visible to anyone outside the FOC government members. Finding a way to address this through partially transparent measures, such as articulation of the different types of activities that take place, along with several examples that preserve confidentiality, would benefit the external validity and reputation of the Coalition.

Many of the non-government stakeholders involved in this evaluation were not familiar with the governance processes of the Coalition, for example its funding situation or even the basic process by which governments join. Some of the recommendations listed earlier in this report, such as creating clearer entry criteria, are the precursors to being able to communicate more effectively.

### *In closing*

As a young organization, many of the challenges and concerns raised by those interviewed for this evaluation can be attributed to growing pains and the need for institutional maturity. However, this is not to say that the challenges faced by the FOC cannot also be attributed to what are now apparent structural flaws. Remediation of key governance issues, the creation of basic accountability mechanism for members, and clarity on what the Coalition is trying to achieve are essential. It is also critically important that the Coalition works to get itself onto firmer financial footing.

There is hope that the FOC can be a real change-making organization, given its unique composition of governments and the recent involvement of other stakeholders at the table. However, the FOC is currently having trouble navigating the fraught post-Snowden landscape to place itself at the center of difficult conversations that need to be had, and where the Coalition could be exceptionally suited for action. Its challenge in the coming years is to do this.

# Annex A

## Full list of coalition members

(As of February 5, 2016)



Australia  
Austria  
Canada  
Costa Rica  
The Czech Republic  
Estonia  
Finland  
France  
Georgia  
Germany  
Ghana  
Ireland  
Japan  
Kenya  
Latvia  
Lithuania  
The Maldives  
Mexico  
Moldova  
Mongolia  
The Netherlands  
New Zealand  
Norway  
Poland  
Spain  
Sweden  
Tunisia  
United Kingdom  
United States



## Annex B

### Comparison of other organizations (based on their website information in January 2016)

	Community of Democracies (CD)	Open Government Partnership (OGP)	International Code of Conduct on Private Security Service Providers Association (ICOCA)	Voluntary Principles on Security and Human Rights (Voluntary Principles)	Extractives Industry Transparency Initiative (EITI)
<b>MEMBERSHIP</b>					
What stakeholder groups are members of the organization?	CD is a government only coalition. Civil society, parliamentarians, the private sector, youth, and academia are also involved in its work.	OGP is a government coalition that involves civil society in its work. There are also partnerships with seven multilateral agencies including the World Bank, the Asia Development Bank, and the Organization for American States.	ICOCA is a multi-stakeholder organization with governments, companies and NGOs. Organizations can also be observers.	The Voluntary Principles is a multistakeholder model including governments, companies, and NGOs. There are also organizations that are observers of the Voluntary Principles.	The EITI is a multi-stakeholder coalition including governments, companies, NGOs, institutional investors, and partner organizations.
What is the size of the organization?	106 governments	69 governments	6 governments, 14 civil society organizations, over 700 private security companies	9 governments, 28 corporations, 10 NGOs	49 countries, over 90 companies, 9 NGOs
When was the organization founded?	2000	2011	2010	2000	2003
What is the process for joining?	Prospective members will be evaluated based on their support for emerging and transitional democracies, their participation in the UN Democracy Caucus, designation of a senior official to act as the point of contact, and tangible contributions to strengthening CD.	There is a section on the website that explains the process for joining. This involves achieving a minimum level of commitment to open government in the areas of fiscal transparency, access to information, income and asset disclosures and citizen engagement, submitting a letter of intent, and identifying a lead agency or ministry to develop the government action plan. The website displays a spreadsheet of the current status of member governments compared to the eligibility criteria.	Organizations wanting to join submit an application that is reviewed by the Secretariat with the Board making the decision on membership. It is also possible to be an observer member of ICOCA.	Applications are sent to the Secretariat and decisions on membership are made by the Steering Committee.	There are several different processes for different stakeholders joining the EITI. Governments can either be implementing countries or supporting countries. There are different obligations for each. Companies, investors and NGOs indicate their interest in joining the EITI, to support the implementation of the EITI standards and consider a voluntary financial contribution.

	Community of Democracies (CD)	Open Government Partnership (OGP)	International Code of Conduct on Private Security Service Providers Association (ICOCA)	Voluntary Principles on Security and Human Rights (Voluntary Principles)	Extractives Industry Transparency Initiative (EITI)
What are the commitments of membership?	The commitments of CD members are set out in the Warsaw Declaration of 2000, which includes 19 core democratic principles.	Joining the OGP entails committing to the Open Government Declaration of 2011, delivering a country action plan developed with public consultation, and committing to independent reporting on progress going forward.	Joining ICOCA means committing to their code of conduct, and certification depends on compliance with the code.	A set of principles articulate the steps member companies need to take to respect human rights while maintaining the security and safety of their operations.	The EITI is a global standard focused on the management of natural resources in an open and accountable way. Countries are responsible for implementing the standards.
Is there a process for removing members or assessing whether they are meeting their commitments? If so, what triggers this?	The Council can suspend membership by consensus for unconstitutional interruption or deviation from the democratic process.	OGP has adopted a Response Policy to enable concerns about members to be raised. Responses to issues raised are made public through their website. Members are also required to produce a self-assessment report, which is also made public.	ICOCA is a certification model for companies. This commits the companies to ongoing independent monitoring and evaluation. Companies are also required to report regularly on their performance. There is a process in place for complaints to be raised and for companies to be suspended if they have violated the code.	A government's status in the Voluntary Principles will be reviewed if there is consensus in one constituency that the government is committing genocide, widespread or systematic war crimes or crimes against humanity. There is no similar process for the review of either companies or NGOs, although NGOs must submit a letter each year requesting their continued involvement in the Voluntary Principles. The Voluntary Principles has a separate verification framework outlined for each type of member.	Implementing countries are required to publish the revenue they receive and companies also publish figures to enable comparison between the two. Implementing countries can be suspended from the EITI process. Two are currently suspended.
<b>STRUCTURE</b>					
What is the governance structure?	There is a Secretary General, a 28-country Governing Council and an International Steering Committee. An Executive Committee assists the Presidency which rotates between members of the Governing Council every two years.	A Steering Committee oversees the development of OGP's work. There are four co-chairs. There are also 2 OGP ambassadors.	There is a Board of Directors with 12 members and equal representation from all stakeholders. The General Assembly is a meeting of all members and takes place at least once a year.	The Plenary is the Voluntary Principle's decision making body and the Steering Committee is the main executive body of the Voluntary Principles. The Voluntary Principles Association addresses financial and administrative issues.	There is an independent Board Chair and a Board of 20, with representation of different stakeholders. A conference is held every 3 years for all members.
Is there a Secretariat?	There is a permanent Secretariat of 7 plus the Secretary General.	There is a permanent Secretariat of 14.	There is a permanent Secretariat of five.	The Secretariat for the Voluntary Principles is provided by the Washington, DC based law firm Foley Hoag.	There is a permanent Secretariat of 24.

	Community of Democracies (CD)	Open Government Partnership (OGP)	International Code of Conduct on Private Security Service Providers Association (ICOCA)	Voluntary Principles on Security and Human Rights (Voluntary Principles)	Extractives Industry Transparency Initiative (EITI)
<b>FOCUS OF ACTIVITIES</b>					
What are the key activities of the organization?	Promoting democracy and democratic values is done through working groups focused on a number of issues including governance and effectiveness, enabling civil society and improving electoral practices. There are also initiatives relating to specific countries. Ministerial conferences are held and there is capacity building work with civil society. The CD gives several awards and prizes, such as the Geremek Award. It also works to support transitional states (e.g. Tunisia) that have shown progress toward democracy via its "Democracy Partnership" initiative.	The focus of their activities is on advancing open government in member countries to benefit citizens. They achieve this by ensuring open government policy debates continue at the highest levels, supporting local reformers, fostering engagement with a wider range of stakeholders and holding countries accountable for the progress they are making in achieving their commitments.	The ICOCA promotes, governs, and oversees the ICOCA code. This includes providing certification for member companies that meet the standard; reporting, monitoring, and assessing the performance of member companies; and handling complaints that come in about member companies and potential violations of the code.	The Voluntary Principles is focused on the extractives industry (oil, mining, and gas companies and related governments and NGOs). The principles embodied in the code, that companies respect human rights while securing their operations, form its core activities. The emphasis of work is on mutual learning, best practice sharing, and joint problem solving with different stakeholders. An annual plenary meeting takes place for all members. Each participant in the Voluntary Principles is required to submit an annual report detailing what they are doing to implement or support the implementation of the Voluntary Principles.	Implementing the EITI standards is the key activity. This includes training and capacity building, validating the work of implementing countries, considering the applications of new countries, raising awareness of the standards, and publishing process and country reports. Work is currently underway to look at how the EITI can play a more active role in the public policy process.
<b>FINANCES</b>					
How is the organization financed?	There is no information about the financing of the CD on their website.	Foundations, bilateral agencies and governments fund the OGP with occasional company contributions.	ICOCA is funded primarily by its members. Government contributions are voluntary. It also receives funding from industry member dues and the one-time joining fee for applying members. Additionally, the Government of Switzerland and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) make significant in-kind contributions.	The Voluntary Principles is financed by government and corporate member contributions.	Companies, governments, and development agencies provide the funding. The majority of the funding comes from governments and development agencies (62% in 2014).
What is the budget for the organization?	There is no information about the budget of the CDs on their website.	The OGP's 2014 revenue was \$4.5 million.	ICOCA's 2016 budget is \$1.1 million.	There is no information about the budget of the Voluntary Principles on their website.	In 2014 the EITI's revenue was \$5 million.

## Takeaways:

- Membership in each organization is based on a commitment to rights and principles.
- In terms of basic structure, the Communities of Democracies, despite its massive size and extremely broad focus, is most similar to the FOC as a coalition of nation states that involves other stakeholders in its work. The Voluntary Principles, ICOCA, and EITI all have formal multistakeholder structures. The OGP also involves civil society in the governance of its work.
- All five organizations are more established and institutionalized than the Freedom Online Coalition. CD and EITI have been in existence for much longer.
- They all have much more formal governance structures and with the exception of the Voluntary Principles, a permanent Secretariat. It is common to have a smaller steering committee or council for decision making independent of the full membership.
- All five organizations have significantly larger budgets and/or greater resources than the FOC.
- All of the comparable organizations have guidelines for continued membership and procedures for removal or suspension of non-compliant members.
- The goal of each organization drives the level of involvement of corporate and NGO partners. Organizations focused on the activities of companies (the Voluntary Principles and EITI) provide a much larger governance role for those stakeholders.
- Particularly in those organizations where governments play a larger membership role, funding comes largely from partner governments.
- Community of Democracies, due to its extremely broad focus and significant resources, may be hard to emulate, whereas OGP has comparably sized goals and focus to the FOC.

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# **ANNEX III: MEMBERS' SURVEY NARRATIVE REPORT**

# FOC Members' Survey Narrative Report

## EXECUTIVE SUMMARY

**Intro:** Nearly all 30 government members of the Freedom Online Coalition (FOC) completed a Members' Survey distributed in June 2016 by the FOC Strategic Review Working Group (SRWG) as part of its mandate to evaluate the Coalition five years after its founding. Given this strong response rate and the qualitative richness of the data, the SRWG could draw conclusions from the survey results regarding FOC members' views on various aspects of Coalition priorities and operations. The following report provides an analysis of these findings for the benefit of FOC members in making strategic decisions about the Coalition's future and identifying areas for further examination.

**Background:** At its June 2016 strategy retreat in Brussels, the SRWG decided to distribute a survey questionnaire to all FOC members to facilitate an inclusive process for seeking FOC members' views on the Coalition's purpose and key functions, as well as understanding how members valued the Coalition's utility. The survey consisted of 15 questions around the four themes of the broader Strategic Review: FOC objectives and activities; membership criteria and requirements; governance and structure; and funding.

The SRWG aimed to attain a two-thirds response rate, with a minimum response rate of 50% of all FOC members. The survey collection remained open for eight weeks, during which time **29** countries responded (representing 97% of the membership), thus significantly exceeding the targeted response rate.

The below analysis of survey responses was designed to inform the SRWG's deliberations and to contribute to a holistic understanding of the four themes of the Review. These findings should be seen as a supplement to other input documents solicited by the SRWG as part of the Review – the External Report "Clarifying Goals, Revitalizing Means: An independent evaluation of the Freedom Online Coalition" and the FOC@5 Stocktaking Report.

**Summary:** In general, there was broad agreement that the FOC should continue to focus members' collective efforts on diplomatic engagement to advance human rights online in the form of a government-only, semi-formal and flexible group that prioritizes cross-regional coordination, global norm-setting through joint statements and influencing existing fora, and holding an annual meeting with stakeholders. Respondents were open to the FOC continuing to admit new government members, but very few expressed interest in extending the Coalition to non-government stakeholders.

On the question of new membership application criteria and procedures, as well as requirements for existing members, responses reflected more appetite for clarifying existing practices, and increasing transparency, rather than changing them. While respondents signaled more support for a higher barrier to entry over a "big tent" approach, they also overwhelmingly preferred minimum

requirements for membership in the form of FOC activity-related requirements, such as attending the annual conference, over accountability-related requirements, such as a periodic review of members' compliance with FOC commitments.

It was clear respondents favored an incremental approach to formalizing certain aspects of the FOC's institutional governance and organizational structure, without creating new financial or time resource burdens. Responses show that a significant number of FOC members, favor efforts to clarify the role of the Secretariat and support functions, particularly by updating the Coalition's Terms of Reference and creating a formal link between the Working Groups and the FOC structure. Responses suggest most members support limiting the term length of the FOC Chair to 1-2 years and consider the Chair's primary role to be hosting the annual conference, along with driving a strong agenda, conducting outreach to new and potential members, and leading periodic FOC-wide calls. Meanwhile, respondents wish to maintain the current, informal, government-only Friends of the Chair advisory body.

Furthermore, respondents expressed strong preference to maintain the current contracted secretariat structure (i.e. the Support Unit), and marked moderate to high interest in the full range of options for Support Unit responsibilities, though many noted that the issue of lack of continuity in funding for these services should be dealt with.

There was mild support for accountability mechanisms. Although respondents were split on the right formula to hold FOC members accountable, there was a strong minority of views in favor of an internal mechanism for Coalition members to raise concerns about the performance of other Coalition members.

A note on the FOC's multistakeholder working groups is worth highlighting here: Based on a cross-reference analysis on this topic, although respondents strongly opposed the idea of making participation in a working group a minimum membership requirement, overall, there appears to be moderate support in principle for these groups to exist and to be linked more formally to the FOC.

Finally, regarding funding, further discussion is needed now that the FOC has undertaken a rigorous examination of its priorities and procedures that will no doubt inform its decisions regarding its future expenditures. Overall, FOC membership does not support an assessed contributions model, though many favor greater transparency by publicly posting financial statements on the FOC website. A slight majority favors the current contracted Support Unit function over a permanent/dedicated Secretariat.



## SURVEY FINDINGS

### SECTION 1: FOC aims, objectives, efforts and activities (Survey questions 1-5)

#### **Q1: Key FOC aims and objectives.**

Question 1 solicited views on overarching aims and objectives of the FOC. Respondents were asked to rate 14 different options on a scale of 0-5. 29 responses were recorded.

Options offered included the following aims/objectives: the current aim of the FOC (option A), FOC's ability to support human rights online as either a foreign or a domestic policy priority for members (options B & C), efforts to enhance diplomatic coordination by members on specific policy issues (options D-F), information sharing about global threats to human rights online (option G), fostering internal accountability of members (option H), capacity building of FOC members to promote and protect human rights online internationally or domestically (option I & J), facilitating engagement with non-governmental stakeholders (option K), and facilitating collective participation by FOC members in various discussions and fora (options L-N). Additional comments were captured in the open-ended "Other" field (option Q), and were factored into the below analysis. Overall, it should be noted that all options received an average score above 3, indicating that members saw most of them as valuable objectives for the Coalition. However, the relative ranking helps to determine which objectives FOC might want to prioritize.

The option that received the highest average score (4.8/5) was option A - **'to improve global efforts to promote and protect human rights and fundamental freedoms online worldwide'**, which re-states FOC's current mission. Out of 29 respondents, an overwhelming majority (26 respondents) gave it the highest possible score (5), reaffirming that this aim remains relevant. The next highest scoring option was option D - **'To enhance diplomatic coordination by FOC members on countering violations of Internet users' rights, incl. freedom of expression, association, and privacy'**, averaging at 4.4/5, followed by option B - **'To support human rights online as a foreign policy priority for FOC members'** with an average score of 4.3/5. This result reflects a general trend across members' responses, which attributed, on average, a higher score to most options that focused on FOC's international or external-facing activities (options B, D-G, I, K-N), relative to the options that focused on domestic or internal-facing actions (options C, H, J). It should be noted however that the latter options still received a relatively high score (with average scores between 3.2 and 3.5), although not as high as the former options. In summary, while important, most respondents saw internal-facing objectives as less important than FOC's external-facing objectives.

Specifically regarding FOC's potential **to foster accountability** of its members **for their commitments in the Coalition's core documents**, it is interesting to note that the related option (H) ranked last with a 3.2 average score. Another option that received a very high average score across all respondents was option G - **'to share information about global threats to human rights online'** (4.2/5 average score with 23 respondents scoring it 4 or above).

Option E related to **diplomatic coordination by FOC members** focused on **'challenging repressive legal, policy, and technical limitations on online content'**, also ranked high. It received scores 4 or above from 22 respondents and scored a 4/5 average. Interestingly, the third option related to diplomatic coordination (option F - **'on addressing the HR impacts of legal, economic, and infrastructural obstacles to access to Internet'**) received the second lowest rating (3.3/5) out of all possible options in this question. A possible explanation for this, supported by one comment in the "Other" field, is that diplomatic coordination around issues mentioned under this option does not usually fall under the purview of officials engaged in the FOC, and could thus be seen as out of scope. Trends related to these three responses may provide a useful reference point in developing a more targeted set of objectives and priority issues for the Coalition going forward.

Among the options relating to the collective participation of FOC members in global discussions and fora (options L-N), the highest scoring option was option M - **'collective participation by FOC members in discussions on human**

rights online, such as the UN Human Rights Council, UN General Assembly, OSCE, ...' - with a 3.9/5 average score. Option L - 'collective participation in internet governance/internet policy fora such as the IGF', received a slightly less enthusiastic response with a 3.6 average score. This score may indicate a perception of greater value add from collective FOC participation in inter-governmental as opposed to other fora (e.g. IGF), but the current data set doesn't allow definitive findings in this respect. The lowest scoring (3.5 average) out of these three options was option N - 'collective participation by FOC members in venues & processes looking at human rights implications of ICT development like WSIS, Stockholm Internet Forum, etc.', possibly reflecting a concern similar to that regarding priority issues for diplomatic coordination, seeing as core work related to ICT4D issues tends to fall outside the mandate of foreign ministries. Need for further discussion around FOC's engagement in external processes may be necessary.

Although options relating to **capacity building of FOC members to promote and protect human rights online internationally** (option I) and **domestically** (option J), scored relatively well in absolute terms (3.8 and 3.5 respectively), several responses in the "Other" field indicate that greater clarity around what this means in the FOC context may be necessary.

Lastly, although the option of facilitating FOC 'engagement with civil society, private sector, and other stakeholder groups' (option K) ranked in middle of the score table (with 3.7 average score), it should be noted that 26/29 respondents gave it a score of 3 or above. We could extrapolate that while members attribute greater value-add to FOC's inter-governmental objectives, its multistakeholder engagement efforts should also be pursued.

## **Q2: Activities and efforts of the FOC.**

Question 2 solicited views about which activities and efforts the FOC should engage in to achieve its objectives. Respondents were asked to select as many options as relevant out of the 8 options presented. 29 responses were logged, with 6 individual comments in the "Other" field.

The highest rated options were option G - 'holding an annual conference for FOC members and stakeholders', and option B - 'global norms development (e.g. through issuing joint statements)'. These activities were selected as relevant by 83% and 79% of respondents respectively. One respondent noted that the FOC could consider converting the annual conference into a bi-annual event or a gathering on the margins of other events. Wide support was also expressed for option A - 'cross-regional diplomatic coordination among FOC members (e.g., in-country demarches, side meetings at the Human Rights Council, and activation of local FOC networks and caucuses [e.g. Geneva, Paris, NYC, etc.])', with 22 respondents (76%) selecting this activity as relevant. One respondent specifically noted re-establishing engagement with actors such as UNESCO as relevant.

Option D - 'sponsoring and participation in and sponsoring of multistakeholder working groups' was selected as relevant by 20 respondents (69%). One respondent noted that the current inertia in the working groups may take more oxygen to resuscitate than the FOC has to spare at the moment. Moderate support was expressed for options H - 'holding off-the-record meetings with non-governmental stakeholders', and C - 'building capacity for domestic policy development', with 16 and 15 respondents (55% and 52% respectively) selecting these options.

14 respondents (48%) expressed support for option E - 'active posting on social media about key issues for human rights online'. One respondent expressed explicit preference to maintain the current approach to social media practiced by the FOC. Only 12 respondents (41%) expressed support for the FOC to prioritize 'providing financial support to global Internet freedom activists (e.g. the Digital Defenders Partnership)'. One respondent expressed qualified support for this activity by noting they supported this in principle provided no funding requirements are imposed on members. Another respondent suggested streamlining FOC funding efforts.

Several respondents noted additional activities they considered as relevant, notably information sharing, and developing guidance for members. One respondent noted that the FOC should prioritize activities that deepen engagement by inactive government members.

### **Q3 & Q4: Value of the FOC for members; Factors that would positively influence members' participation in the FOC.**

Questions 3 and 4 aimed to ascertain the value of the FOC for its members, soliciting views on the value members currently derive from participating in the Coalition (Q3), and the factors which could further incentivize their participation (Q4).

Question 3 asked the respondents to reflect on the current value derived from FOC membership. Respondents were asked to rate 7 options on a scale from 0-5. 28 responses were recorded.

All options were seen to have some value to members, however, on balance, some were clearly seen to be more valuable than others. Out of the options presented, members attributed greatest value to the following three options which scored significantly higher than others:

- Option B ('**FOC helps increase the number of governments that are aware and/or engaged** on issues related to human rights online') received an average score of 4;
- Option C ('**FOC helps enhance my government's efforts to lead either bilaterally or multilaterally** on issues of human rights online') received an average score of 3.8;
- Option A ('**FOC helps enhance my government's diplomatic coordination** with governments that share our views on human rights online') received an average score of 3.7.

Other options received less support from fewer respondents, with no other option managing to surpass the average score of 2.8. **Norms building** potential of the FOC (option E) and its ability to facilitate **greater multistakeholder engagement** (option D) received average scores of 2.8 and 2.7 respectively. 10/28 respondents regarded these options as highly relevant, scoring them 4 or above. However, three respondents noted that they did not derive any value from the FOC's ability to facilitate greater multistakeholder engagement. FOC's role in **assisting countries develop internal positions on human rights online** through coordination across various ministries and agencies (option G) was regarded as highly valuable (scores 4 and above) by only 9/28 respondents. 9/28 found little or no value in this option and gave it a score of 1 or 0.

It is interesting to note that the FOC's role in **supporting online activists facing digital attacks** and other threats through providing financial assistance (option E) ranked lowest out of all the options, with 16/28 respondents deriving little or no value from this activity.

Question 4 sought to determine factors that would positively contribute towards members' participation in the FOC. Respondents were asked to rank 8 different options on a scale from 0-5. 29 responses were recorded. Relatively low average scores for all options seem to indicate that none of the options provided are likely to have a significant impact on members' participation in the Coalition. Further evaluation of current obstacles and possible incentives may be needed.

Out of the options provided, the potential of '**increased substantive support from the FOC Support Unit**' (option B) received the highest average score (3.3). 15 respondents gave this option a score of 4 or above. Increased '**administrative support from the Support Unit**' (option A) received an average score of 2.8, indicating that this option may have a positive impact on participation of some members. 12 respondents gave this options a score of 4 or above. 3 respondents noted that this factor would have no impact on their participation and gave it a 0 score.

With an average score of 3.1, '**more diplomatic coordination in non-FOC countries on challenges and opportunities for human rights online**' (option D) could also be a potential incentive to some members, with 12 respondents giving this option a score of 4 or above.

Option C - '**technical assistance with capacity building for FOC Members to implement FOC principles**' received an average score of 2.8, with 14 respondents giving it a score of 4 or above. Similarly, neither '**increased engagement with civil society groups**' (option G) or with '**the private sector**' (option F) offered a clear incentive

for members, scoring an average of 2.8 and 2.6 respectively. Similarly, most respondents didn't think that **obligatory participation in FOC activities and events** (option H) would have a significant impact on their participation.

Perhaps surprisingly, very few respondents thought that **'funding assistance for participation in FOC activities'** (option E) would incentivize their participation. Only 6 respondents gave this option a score of 4 or above, while over half of all respondents gave this option a score of 1 or 0.

#### **Q5: Emerging policy issues and other relevant opportunities the FOC should focus on.**

This was an open-ended question asking respondents to identify emerging policy issues and other relevant opportunities the FOC should focus on. Respondents were given guiding examples of two issues - internet governance and business and human rights. 21 responses were recorded.

Overall, responses to this question do not lend themselves to making conclusive findings.

From the 21 responses received, respondents identified a number of different issue areas they considered the FOC should focus on. Example issues offered by the survey - business and human rights & internet governance - were each identified as relevant by 9 respondents. Other issues included: public participation and democracy, counter terrorism and cyber security law, international cooperation between security agencies in cyber space, censorship, internet shut downs, internet access, transparency, big data, rule of law, education, creating an enabling environment for internet use, open data, responsible state behavior in cyberspace, algorithms and society, mass surveillance.

Despite this wide variety of issues identified by the respondents, several responses explicitly stated that focus on specific issues should be underpinned by FOC's core mission to promote internet freedom - free expression, association, assembly, and privacy online. 'Return to the core mission' was a recurring theme, with particular emphasis on the need to renew the focus on combating restrictions on free expression online.

The main takeaway from this question is the need for a more structured process to determine specific policy issues that should guide FOC activities. This task may become easier once there is greater clarity around overarching aims and objectives of the FOC.

## SECTION 2: FOC membership (Survey questions 6 & 7)

### **Q6 & Q7: Approach to Membership: Composition and New Admission; Requirements for Continued Membership.**

As a short introduction, question 6 broadly solicited views on two overarching issues: the nature of FOC membership (options A-C) and the application process (options D-G). 28 responses were recorded. In addition, when comments made in the “Other” field (option I) reflected any of the available options (A-H), they were added to those totals.

An overview of the responses reveals that the most popular options were B – ‘keep FOC membership governments only, with a selective group and higher bar for entry’ and D – ‘adopt a more formal policy and application process for accepting new members’ – both with 11 votes each. Option E – ‘include a public review and comment process as part of the assessment procedure for applicant countries to elicit the views of other stakeholders’, received 8 expressions of support. Option A – ‘expand FOC membership beyond governments’ – was next with 7 votes. Options F – ‘adopt stricter admissions criteria for joining the FOC’, G – ‘give more weight to past performance rather than demonstrated commitment to improvement’, and option H – ‘introduce tiered membership’ – each had 5 votes, while option C (‘keep FOC membership to governments, with a broader membership and lower bar for entry’ had only 4. This indicates that even the most supported approaches to membership do not have majority support within the Coalition, while many other options were selected by a less than a quarter of respondents. Taken together, while we can identify at least one element of consensus, there would appear to be little clarity on remaining membership issues (like the level of the entry bar and the application process).

On the theme of the nature of FOC membership, there was a consensus in favor of keeping the FOC open only to governments. In total, 15 respondents (54%) chose one of the two options (B or C) that reflected a preference of government-only membership. Two other respondents expressed their support for a government-only option in their comments, bringing the percentage to 61%. In contrast, only 7 respondents (25%) chose option A, which called for expanding membership beyond governments. It would appear that at present FOC members are comfortable with the idea of maintaining the FOC as a government-only forum. Of the 15 members who prefer keeping the FOC focused on governments, however, 11 preferred a higher bar for new entries (option B) while 4 favored a lower bar (option C); this constitutes an area of divergence within the FOC membership. While FOC members may be generally open to expansion, there is no consensus on what the terms of any future expansion may look like.

On the second overarching theme, the application process, 11/28 respondents (39%) stated a preference for option D, which was the most favored response. 8 respondents chose option E, while 5 supported options F, G, and H. It is interesting that the specific manifestations of a more formal policy and application process (options E-G) did not collect as much support as the general statement (option D). Two written comments emphasized the importance of transparency in adopting criteria for the application process, while another respondent commented that stricter membership requirements could make it more difficult for smaller or developing countries to join the FOC. Another written comment expressed a preference for a more formal admissions policy that would remain confidential.

Question 7 asked members’ views on possible requirements for continued membership in the FOC. The possible responses fall in one of two overarching issues: requirements related to FOC activities (options A-C) and requirements related to an accountability mechanism for FOC members (options D-G). This query reflects the independent evaluator’s report, which makes specific recommendations calling for minimum membership participation standards and for the creation of an accountability and review mechanism (p. 13). This question garnered 28 responses. As with question 6, when comments made in the “Other” field (option I) corresponded directly to some of the available options (A-H), they were added to those totals.

On FOC work and activities, there was wide agreement that option A '**participation at the Annual Conference**' should be required, with support from more than two thirds (20/28 – 71%) of members. It was the only option to receive clear majority support from the membership, which may therefore warrant special attention by the FOC. Option C '**annual consultations with domestic stakeholders, including civil society and private sector**' came in second with 11 votes (39%), while option B '**participation in one Working Group**' received 7 expressions of support (or 25%). The survey's outcome has produced a clear ranking of preference in terms of membership requirements related to FOC activities, which could be viewed as a suggested order of priority. To note: there were 6 votes for option H '**there should be no requirements for continued membership**' – which puts this option nearly on par with option B and may suggest the need for a cautious approach. In written comments, a respondent suggested other possibilities for other types of in-kind support to the FOC: participation to diplomatic activities, drafting statements or making financial contributions. These thoughts could be seen as an invitation for the FOC to consider a broader list of membership requirements related to its activities and work.

The second issue addressed by this question is about the possible development of an accountability mechanism for FOC members. On the whole, no option received majority support. The two equally popular responses were option E ('**periodic open review and consultations on each FOC member's performance against FOC principles**') and option F ('**completion of an annual self-assessment against FOC principles**'), both selected by 8/28 respondents, or 29%. The two remaining options (D & G) received 6 (21%) and 4 (14%) votes respectively. Taken in the aggregate, there were 26 responses in favor of some form of accountability mechanism, suggesting a light and diffuse desire for an accountability mechanism. However, this finding is mitigated by the fact that a single respondent could choose many options, and is further clouded by the 6 votes in favor of option H.

As a result, it is unclear whether there is demand in the FOC for the development of an accountability mechanism. Should the FOC wish to develop one, the survey results would suggest the cautious consideration of option F or option E, as they were the most accepted options – albeit with tepid support. The four accountability options also reflect a certain divergence in FOC opinion about public (E & G – 12 votes) vs. internal (D & F – 14 votes) measures to promote accountability. There would appear to be no consensus on whether accountability measures need to be open to the wider public or kept within the FOC membership.

This question elicited a number of comments in the "Other" field. One respondent stated that any membership requirement would deter smaller or developing nations from joining. Another comment expressed the view that any reporting or assessment need not be done on an annual basis, but could instead be undertaken every 2 or 3 years. One comment was in favor of internal and non-public assessments by stakeholders as a first step. Two commentators cited the Human Rights Council's Universal Periodic Review as a mechanism that could be used by members (either individually or collectively through the FOC) as a way to demonstrate and seek accountability on their commitments to FOC principles without duplicating this mechanism. Finally, another commentator stated a preference for clear criteria for ending or suspending membership due to noncompliance – as discussed in question 10 – as opposed to requirements for continued membership.

### SECTION 3: Governance structure (Survey questions 8-14)

#### **Q8 & Q9: Formal versus informal governance structures.**

Questions 8 and 9 asked whether the governance structure of the FOC should remain more informal or whether it should become more formal. Question 8 asked this from a high-level, whole-of-FOC perspective, while question 9 drilled down to focus on specific aspects and functions of the FOC. For both these questions, 28 out of 29 respondents provided their views.

On question 8, 16/28 respondents (57%) stated a preference for keeping the current informal structure. In comparison, 9 (32%) wished to move to a more formal structure while 3 (11%) were unsure. These numbers suggest that, on the whole, the membership seems to be comfortable with keeping the existing informal structure; there would appear to be no appetite for wholesale change of the FOC. However, as the responses to question 9 reveal, the membership may be open to targeted changes, i.e. an evolution – and not a revolution – in the FOC governance structure.

Question 9 identified ten specific aspects of FOC governance that could be made more formal: **(A) organizational structure, (B) decision-making process, (C) role of the Chair, (D) role of the Secretariat, (E) developing terms of reference, (F) develop accountability mechanism, (G) the FOC annual conference, (H) developing membership requirements, (I) linking the working group to the FOC structure, (J) Friends of the Chair membership requirements.** As a general comment, most responses were rather closely split between the two options (more formal structure vs. remaining more informal), within 4 votes of each other. The bigger swings were recorded for options relating to the nature of the FOC Secretariat (D), terms of reference (E), linking Working Groups to FOC Structure (I), and Friends of the Chair (J). This suggests that while the membership may have a slight preference for one of the options, there is a strong minority whose views diverge. A cautious approach to change would therefore be advised.

Three FOC functions received absolute majority support for a more formal structure<sup>8</sup>: **(I) linking the Working Groups to the FOC structure** (with 15 for more formal structure vs. 8 for keeping informal structure), **(E) developing terms of reference** (with 15 for more formal structure vs. 8 for keeping informal structure), and **(D) in relation to the role of the secretariat** (with 14 respondents favoring a more formal structure vs. 8 who were in favor of keeping the current arrangements). More insight into the latter option was offered in Q13 and Q15. Although responses in Q13 indicated support to formalize specific secretariat functions, the majority of respondents in Q15 (14 vs. 11) did not support setting up a permanent secretariat (see details below).

While ‘Decision Making Process’ (Option **B**) also received a relatively high score in favor of a more formal structure (14), 11 were in favor of the current structure. Should the FOC wish to formalize some of its work, the membership may wish to prioritize three aspects – Working Groups links to the FOC, Terms of Reference, and the Role of the Secretariat. Indeed, four respondents made comments that emphasized the need for greater formality and structure, albeit with caveats like proceeding cautiously and identifying only some specific areas for change.

The FOC function with majority support for keeping the current informal structure was **(A) organizational structure** (with 14 for keeping informal structure vs. 10 for more formal structure). Option **J** – Friends of the Chair Membership Requirements – also received more support for keeping the informal structure, albeit with a lower response rate: 12 favored the status quo and 6 preferred more formal structure, while 7 stated no preference (the highest number for this type of response to Q9) and 3 were unclear. Should the membership decide to build greater structure to the FOC, it may wish to avoid these functions given the apparent support for the current arrangements.

Finally, the remaining options were very closely split between support for a more formal structure and support for current arrangements: **C** – Role of the Chair (12-11), **F** – Develop Accountability Mechanism (11-13), **G** – FOC

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<sup>8</sup> Please note that for the purposes of the tabulations in Question 9, votes for “no preference” or “unclear about current structure” were not counted.

Annual Meeting (12-13), and H – Develop Membership Requirements (11-12). As a result, it would be difficult to make a strong case for change as it pertains to these elements.

Of note: two comments were offered on the topic of FOC decision-making. The first stated that the FOC’s decision-making process is too slow (i.e. the silence procedure is too long). The second comment expressed the view that the FOC should avoid formal votes.

#### **Q10: Accountability Mechanism for non-compliance with commitments to the FOC.**

Question 10 solicited views about the use of an accountability mechanism to detect or address non-compliance by FOC members. Respondents were invited to select any number of applicable measures from this list: (A) **third-party complaint mechanism**; (B) **internal mechanism for FOC members to raise concerns about the performance of other FOC members**; (C) **sanctions**; (D) **no sanctions, but greater support for capacity building**; (E) **self-assessment process**; (F) **public reporting requirements**; (G) **there should be no accountability mechanism**; (H) **Other**. There was a technical glitch on this question, which prevented many (19/29) respondents from selecting multiple options. However, a number of those used option H (“Other”) to demonstrate their support for many options. When comments made in the “Other” field reflected any of the available options (A-G), they were added to the totals.

Overall, option B was the most popular option, with 13 respondents (45%) having selected it. It does not command majority support, however, especially when one considers that 3 respondents believe there should be no accountability mechanism at all (option G). Next in line were options D and E with 7 votes (24%) each, followed by option C, with 6 votes (21%). Options A and F were selected by only 4 respondents each.

The FOC membership may be open to considering the use of an internal mechanism as a way to promote accountability. As the question is written, this method is geared towards member states and would not be open to stakeholders in the working groups. The question does not describe what exactly the internal mechanism would be; thus this option would have to be further fleshed out. Perhaps the second-most favored option, the use of self-assessments, could be considered? Interestingly, FOC members seem to prefer an internal method over a public one, as reflected in the top choice and the additional comments in the “Other” field.

On the whole, it is difficult to say that there is a strong demand for an accountability mechanism, given the relatively low percentages for all but option B. Yet, taken in the aggregate, the 41 votes supporting various options, combined with the fact that only 10% of respondents stated a clear desire for no mechanism, may suggest certain openness (albeit with little clarity) for setting up an accountability mechanism for the FOC.

Several written comments were noted in the “Other” field. One suggested an internal third party complaint mechanism, potentially by Working Group Members. A second one expressed a view that the FOC should design a mechanisms inspired by the HRC’s UPR process. A third one emphasized that the FOC needs to respect the sovereignty of nations and should not seek compelling control over its members.

#### **Q11 & Q12: Government Chair and possible support structure.**

Questions 11 and 12 together address potential roles for the Government Chair and various possible support structures. Both questions were originally designed to allow respondents to select multiple answers, but unfortunately a technical glitch with the survey platform disrupted this feature; for that reason, the analysis of the data for these questions relies on both the multiple choice selections and the responses in the “Other” answer field, which many respondents used to capture their full input once they recognized the technical glitch. While this makes it slightly challenging to make any definitive comparative statements about the results, nonetheless the findings appear to be consistent internally with other data and with external information about FOC membership views on these issues.

Question 11 asked about the appropriate term length for the Government Chair, and whether, in addition to the Government Chair, the FOC could benefit from establishing an additional support structure and/or continuing the



one currently in place. It further asked whether such additional support structures, if established, should be formal or informal, and whether they should include non-government entity participation.

For term length of the Government Chair, respondents were provided with options of **'rotating annually'** (options A and D) or **'elected for a few years at a time'** (options B, C, and E). Responses appear to slightly favor maintaining the annually rotating Chair, with 10 responses in favor of that option, and 2 additional responses suggesting limiting the rotation to 1-2 years maximum. In comparison, 7 respondents in total indicated preference for one of the options suggesting a longer term. In addition to the 2 respondents that suggested a two-year term would provide ample time to carry out initiatives, one respondent asserted that longer than this would discourage governments from taking on the role. Given that responses were somewhat split between the two options, the FOC may wish to explore the possibility of extending the current year-long term for the Chair by six months or a year to accommodate the considerations reflected above.

As for support structures, the survey offered 4 choices: to continue the current **informal structure of the Friends of the Chair group** (option F), **create a more formal Steering Committee** (option G), **establish a Vice Chair role** (option C), or **introduce the option of an Independent (non-governmental) Chair** (options D and E).

This question essentially had two axes: one axis for the formal/informal question and another axis for the group support/Vice Chair support question. On the formal vs. informal axis, 11 responses expressed preference for maintaining an informal 'Friends of the Chair' group, while 12 responses indicated interest in a more formal support structure. Of the latter category, 7 responses leaned towards creating a Steering Committee structure, and 5 endorsed a Government Vice Chair role. Regarding the group support vs. Vice Chair support axis, in total, 18 responses favored a group supporting a Government Chair. Given that 11 of these preferred maintaining an informal Friends of the Chair group, while 7 supported creating a more formal Steering Committee, for now the FOC would be best served by exploring how to clarify the role of the existing Friends of the Chair support structure, as there is not yet enough demand to begin formalizing this structure, but clearly substantial interest in clarifying supporting roles for the Chair. For example, 2 responses suggested that if there were to be a Vice-Chair appointed, one government could take on responsibility for the conference while the other could lead other activities and provide other strategic guidance.

Responses overwhelmingly favored **government-only members of FOC governance structures**. Yet, one respondent suggested looking into adding an independent advisor role for the Government Chair, to be drawn from a non-government individual or group.

Question 12 requested feedback on the appropriate role and functions of the Chair. Respondents were asked to select all relevant options out of the 9 options offered. 29 responses were recorded. 20 respondents (69%) expressed support for the Chair to be **'hosting the Annual Conference'** (option F), although one respondent noted that the Chair need not host the meeting, while another stated a need for a Terms of Reference regarding what duties the host assumes. 18 respondents (62%) agreed that it made sense for the Chair to **'drive a strong agenda'** (option A). Other Chair roles that received support from a majority of respondents included **'raising the profile of the organization'** (option G) with 17 votes (59%) and **'outreach to potential new members'** (option C) with 15 votes (52%). There was less consensus on the other possible roles. 12 respondents were of the view that the Chair should be **'leading periodic FOC-wide calls'** (option E) and that **'outreach to newly admitted members'** (option D) should be part of the Chair's mandate, while 7 thought that the Chair should facilitate developing consensus (option H). There was little support for placing responsibility for **'fundraising'** (option B), or **'decision-making authority'** (option I) in the hands of the Chair, with only 3 expressions of support for the former and 2 for the latter.

Two comments noted that some responsibilities, such as hosting the conference, fundraising, FOC-wide calls, outreach to new members, and decision-making authority should and could be shared. The FOC may wish to prioritize developing a simple Terms of Reference to clarify the role and function of the Chair, including a section for the function of hosting the annual meeting, and stipulating whether or not this responsibility can be delegated to or shared with a government that is not serving as Chair that year.

### Q13: Secretariat functions and Dedicated Secretariat (focused solely on providing services to the FOC).

Question 13 focused on the role and functions of the FOC Secretariat and the possibility of creating a dedicated Secretariat, which would be solely mandated to carry out functions on behalf of the FOC, as opposed to the structure of the current FOC Support Unit, which is procured on an annual basis with an independent NGO and funded on an ad hoc basis through direct contracts and/or grant agreements between the NGO and individual FOC members.

Respondents were asked to evaluate 9 current and potential functions that have been or could be served by the FOC technical support body. Through a multiple choice matrix, they were prompted to choose for each function one of four separate designations: support for a **dedicated secretariat**, preference for the current structure of the **contracted secretariat**, **no preference** between the a dedicated or contracted secretariat, or the opinion that either the **function is not needed or no secretariat would be needed to carry out that function**. 29 responses were recorded. Overall, there was overwhelming preference to maintain the **current structure of a contracted secretariat** for the near-term, but several comments in the “Other” field pointed out the vulnerability of a contracted secretariat, given the uncertainty of its funding from year to year. Commenters proposed two options for resolving the tenuous financial situation of the contracted secretariat: the first approach would be to try to secure multi-year contracts, if possible, and the other approach would be for the FOC to move towards a dedicated secretariat arrangement in the long-term, perhaps in the next five years, once the FOC priorities and purpose are clarified. Respondents acknowledged that either approach would entail considerable work, but that the current situation is unsustainable.

Beyond the financial implications of the question of the FOC secretariat needs, the responses to Question 13 also pointed to areas where the FOC membership feels the current contracted secretariat arrangement is sufficient for carrying out certain functions, and areas where a dedicated secretariat would be more suited to the role. For example, three functions in particular received higher preference for the current structure than for the other three options combined: option G - **‘support FOC local networks, e.g. Geneva, Paris, NYC** (13 contracted secretariat responses); option H - **‘arrange and support FOC strategic meetings on the margins of gatherings during the year, i.e. IGF, SIF, HRC, etc.’** (15 contracted secretariat responses); option B - **‘provide administrative support to the Chair for the Conference functions of its role’** (14 contracted secretariat responses).

In only one instance, option E - **Services to Members such as the provision of experts support in Internet Freedom issues on demand**, respondents preferred a dedicated secretariat over a contracted secretariat, albeit very slightly (with 12 dedicated secretariat responses, 55%, and 4 no preference responses), although two respondents marked that either the activity is not needed or a secretariat is not needed to perform the function. The functions that received the clearest indication that FOC members prefer not to utilize a secretariat of any sort in this role were option D – **Support each FOC Member in conducting annual multistakeholder domestic consultations** and option I - **Represent the FOC at public functions** (7 responses for activity/secretariat non needed each; one write-in comment in the “Other” field that the secretariat should not represent the FOC at public functions).

### Q14: FOC Working Groups.

Question 14 honed in on a recommendation in the independent evaluation of external and internal perceptions of the FOC to build a formalized link between the FOC membership and the multistakeholder Working Groups. Question 14 thus builds on the findings in Question 2 regarding members’ preferences for FOC activities, which identified that 20 respondents (69%) selected **Sponsoring and participating in multistakeholder Working Groups** as relevant, making it the fourth highest-rated activity. The three write-in comments in the Other field for Question 14 noted that the way the question prompt was phrased assumes that the Working Groups will continue, and expressed strong preference for finding other ways to engage with stakeholders and experts in the field through an ad hoc versus standing basis. 27 responses were recorded. Two respondents skipped the question altogether.

Respondents were asked to select one or more of 7 options that best described their preferences for the possibilities of a more formalized link between the FOC membership and the multistakeholder Working Groups. Of

the 27 respondents that answered this question, 19 selected option **E** - **'make recommendations to the FOC on policy issues the Coalition can address jointly through multilateral engagement, e.g. through joint statements'** (70% of respondents); 16 selected option **B** - **'require WGs to produce formal reports to the FOC'** (59% of respondents); 15 selected option **C** - to **'empower WGs to carry out specific activities and initiatives on behalf of the FOC, i.e., advocacy campaigns, workshops on relevant issues, submit expert position papers, etc.'** (56% of respondents); and 14 selected option **A** - to **'designate a stakeholder of each WG to act as a liaison to and within the FOC and the Secretariat'** (52% of respondents).

The remaining four answer options were selected by fewer than half of the respondents for this question (in descending order): option **F** - to **'make recommendations to FOC member governments on policy issues that can be addressed at the national level'** (10 response count – 37%); option **D** - to **'delegate specific "corporate" functions to the WGs'** (6 response count – 22%); option **G** - to **'create a joint FOC/WG advisory body that would serve as the main nexus between the FOC and WGs'** (5 response count – 19%).

One of the key goals of the Strategic Review has been to help the FOC focus its limited resources and energies by identifying three key priority activities/efforts for the FOC that support the Coalition's aims and objectives. Given that respondents in Question 2 ranked three different activities/efforts above the Working Groups and the suggestions in Question 14 comments to re-envision the format of FOC engagement with stakeholder groups and experts, the FOC may wish to consider short-term and long-term options to help streamline its stakeholder engagement in ways that fit the three activity/effort priorities identified in the responses to Question 2. Given the impetus for Question 14 of the recommendation in the independent evaluation, this decision should be made in close consultation with key external stakeholders that will be affected by the outcome.

#### SECTION 4: Funding (Q15)

##### **Q15: Funding the FOC: funding models, financial reports, etc.**

Question 15 sought to capture the top-level views of FOC members on the issue of funding models, financial reporting, and procurement processes. The question prompt acknowledged that there would be an element of sequencing to addressing these issues in depth, given that conversations about funding will flow from Members' priorities regarding the vision for the FOC and the value they seek to create through it, which is still being negotiated. Thus, Question 14 only briefly touched on key points related to finances, including the FOC's main expense over the past several years for the Support Unit services, with the intention to follow up at a future point to explore these topics more in depth.

Of the 27 respondents who answered the question on whether the **'FOC [should] adopt an assessed contributions model'**, only 5 answered 'Yes'. Of those 5, all of them also responded 'Yes' to the follow-up question on whether the **'FOC [should] use a tiered membership fee structure in creating an assessed contributions model'**. The 20 respondents who responded 'No' to the first question did not have a follow-up question and skipped directly to the next question. In response to the question on whether the **'FOC financial statements [should] be made publicly available on the FOC website'**, 15 respondents selected 'Yes' and 9 respondents selected 'No'. As to whether the FOC **'should [...] have a permanent Secretariat/Support Unit'** 12 respondents answered 'Yes' and 14 respondents answered 'No'. The 12 respondents who answered 'Yes' to this question were asked the follow-up question on whether there should be a **'competitive tendering process for a permanent Secretariat/Support Unit for the FOC'**, to which 11 respondents answered 'Yes' and 1 answered 'No'.