

Steering Committee Meeting #7

Monday, 4 September 2023

Attended: US (Chair 2023); Estonia, Finland, Germany, Ghana, Netherlands, Switzerland, and UK; Support Unit (SU)

Welcome Remarks

- The Support Unit (SU) welcomed Steering Committee (SC) Members to the seventh SC meeting in 2023, taking place in-person on the sidelines of the Tallinn Digital Summit.
 - The SU thanked Estonia for hosting and welcomed all in-person and virtual attendees.
- Katrin Kivi, Ambassador for Human Rights and Migration from the Ministry of Foreign Affairs of Estonia, provided welcome remarks, expressing appreciation for the collaborative work SC Members would be doing, underscoring the importance of Internet freedom in Estonia, and encouraging strengthened engagement with global majority Members.
- Allison Peters, US Acting Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights, and Labor followed with opening remarks, thanking Estonia for hosting the SC meeting, highlighting key achievements of the FOC during the US 2023 Chairship, and inviting Members to openly share thoughts during the discussion segment of the meeting.

Housekeeping Updates

- The SU provided an overview of the SC agenda, and noted the following updates on the Internal Program of Action:
 - Key Updates:
 - The Republic of Korea became the 38th Member of the FOC;
 - The revised FOC Terms of Reference successfully passed silence procedure;
 - Internal role changes within the Support Unit.
 - Comms:
 - The Language Mapping Tool, which is meant to ease navigation of FOC language, will be shared on the FOC Digital Hub soon. Following its deployment, the SU will reach out via email to encourage Members to explore the tool and to provide feedback.
- The SU provided progress updates on the implementation of the Program of Action (PoA) 2023, as well as an overview of upcoming processes, activities, and events.
 - The following upcoming FOC processes and activities were noted:
 - September
 - HRC54 Joint Statement on the Heightened Risks Associated with Surveillance Technologies and the Importance of Safeguards in the Use of These Tools;
 - FOC Donor Principles on Human Rights in the Digital Age;
 - Joint Statement on Internet Shutdowns and Elections;
 - Potential FOC Endorsement of MFC Statement on Transnational Repression of Journalists and Media Workers.
 - October / November
 - Potential Joint Statement with the Global Partnership for Action on Gender-Based Online Harassment and Abuse;
 - Outputs relating to AI (global governance / democratic principles);
 - 2024 preparations, including negotiations on the PoA 2024 and the SC selection.
 - The following upcoming FOC events were noted:

- **FOC High-Level Meeting: “Advancing the 2030 Agenda through Inclusive and Rights-Respecting Digital Policy.” | UNGA High-Level Week | 20 September | New York, U.S.**
 - A high-level FOC meeting, with attendance from G77 Member States, will be held on the margins of the 78th session of the UN General Assembly in New York on Wednesday, 20 September with the expectation of Foreign or Digital Minister-level representation. The event is likely to feature a roundtable discussion with Ministers and other key stakeholders to engage on issues of connectivity, access and inclusion, and technology as an enabler of rights.
 - The US noted formal invitations have been sent to FOC Members, and highlighted the request for Foreign Minister-level attendees.
 - The Ministerial meeting will be livestreamed, and Foreign Ministers’ interventions published on the FOC website.
- **Africa IGF | 19 - 21 September | Abuja, Nigeria**
 - The session proposal submitted by the FOC for AfIGF has been accepted. The session, “The FOC Presents: Collective Efforts to Counter the Misuse of Surveillance Technologies”, featuring FOC, FOC-AN and external panellists, will take place on Tuesday, 19 September.
- **Global Conference for the Celebration of the International Day for the Universal Access to Information | 28 September | Oxford, UK**
 - The UK will be taking part in a panel session on behalf of TFIS. The theme of the event is “The Importance of the Online Space for Access to Information”, with the panel session focusing on “Technology for Democracy and Development.”
- **IGF 2023 | 8 - 12 October | Kyoto, Japan**
 - The FOC submitted multiple session proposals for the IGF, which have been accepted. FOC Members are encouraged to attend the sessions in-person. Kindly note the following FOC sessions:
 - “Leveraging the FOC at International Organizations”
 - “Donor Principles for Human Rights in the Digital Age”
 - “Elections and the Internet: free, fair and open?”
 - “(Re)-Building Trust Online: A Call to Action”
- **FOC SCM in Geneva | 14 - 15 November | Geneva, Switzerland**
 - The 3rd Strategy and Coordination Meeting (SCM) of 2023 will convene all FOC Member States, Observers, and the FOC Advisory Network (FOC-AN) in Geneva, Switzerland from 14-15 November. Registration forms and logistical information will be shared by the Support Unit shortly.

Discussion Items

PoA 2023 Priority Policy Area Deliverables

- Sub-entity leads in attendance were invited to share updates on their 2023 work plan deliverables.
 - The UK, co-Chair of the Task Force on Internet Shutdowns (TFIS), noted the Task Force is in the process of developing a Joint Statement on Internet Shutdowns and Elections. The First Draft is with the FOC for comment and edits until Friday, 8 September.
 - Ghana, co-Chair of the Task Force on Digital Equality (TFDE), noted the TFDE met with the Silicon Valley Working Group to discuss opportunities for collaboration around the

Working Group's APEC Summit side-event, is exploring holding a learning call on the intersection of online gender-based violence and human rights, and is developing a Terms of Reference for an incoming consultant through their collaboration with the Internet Freedom for All project.

- The SU provided an update on The Task Force on Artificial Intelligence and Human Rights (TFAIR) due to Germany, its co-Chair, having technical difficulties joining virtually, noting ongoing discussions about holding an in-person workshop in Berlin with a potential output informed by the workshop discussions.
- The SU provided an update on the Task Force on Trustworthy Information Online (TFTIO) in the absence of Denmark, its co-Chair, noting plans to develop recommendations for trustworthy information online, and noting the call to FOC Members, Observers, and the FOC-AN for expressions of interest to join the Task Force by Thursday, 14 September.
- The SU provided an update on the Silicon Valley Working Group (SVWG) in the absence of Canada, its Chair, noting it is in the process of organising a fire-side chat on the margins of the APEC Summit in November on responsible AI.
- The US introduced the potential of developing a statement with the Global Partnership for Action on Gender-Based Online Harassment and Abuse (Global Partnership) on technology solicited gender-based violence.
 - The US highlighted that all Members of the Global Partnership are also FOC Members (Australia, Canada, Chile, Denmark, New Zealand, Republic of Korea, Sweden, UK, and US), and noted the statement could be approved according to the procedure in the FOC ToR.
 - The statement has been drafted by the Global Partnership and would be negotiated in the FOC. The Steering Committee will be receiving more information, including the draft of the statement, soon. The statement is envisioned to be published in mid-November.
 - The SU noted that the FOC does not currently have a mechanism to issue joint statements with other entities, however this could be pursued.
- The SU noted the Media Freedom Coalition (MFC), co-Chaired by the Netherlands and Estonia, reached out to the FOC about developing a statement on Transnational Repression of Journalists and Media Workers.
 - The Netherlands noted the statement has been drafted and is currently under negotiation within the MFC, with plans to publish on Friday, 15 September, International Day for Democracy.
 - The US suggested exploring an endorsement process for the MFC statement.
 - The SU noted there is currently no precedent in the FOC for endorsing statements and outputs developed in forums with overlapping FOC Membership.
 - The US and Estonia suggested the following endorsement procedure:
 - **Step 1:** The SC to confirm the proposed endorsement procedure by Thursday, 7 September;
 - **Step 2:** The SU to circulate the MFC statement once available to confirm endorsement by the FOC, noting the overlap of MFC and FOC Members;
 - **Step 3:** In parallel with Step 2, the SU to reach out to non-MFC FOC Members (Georgia, Kenya, Mexico, Moldova, Mongolia, Poland, Tunisia) to clarify the SC's decision to pursue endorsing the MFC statement as a Coalition.
 - The SU noted they will review the FOC ToR to ensure alignment.

- The Netherlands noted they will connect with the MFC to discuss the endorsement approach.
- Switzerland inquired about possible future coordination with groups like the MFC, noting areas of thematic overlap.
 - US noted through the endorsement scenario there is the potential opportunity for further coordination and engagement with other multistakeholder initiatives.
- Estonia noted the MFC is interested in FOC language and flagged that there may be flexibility in the MFC statement to include FOC language.
 - The US noted the Language Mapping Tool as a useful resource to overview FOC language.

Decision>> SC agreed to explore potential joint FOC endorsement of the Media Freedom Coalition statement on transnational repression of journalists and media workers (*text forthcoming*). [Please note the procedure has been confirmed.]

Next steps for the Guiding Principles on Government Use of Surveillance Technologies

- The US provided an update on the [Guiding Principles for Government Use of Surveillance Technologies](#) and noted the development of the Human Rights Council Session 54 (HRC54) Joint Statement on Surveillance Technologies.
 - The statement looks to leverage the FOC Guiding Principles and add high-level language about spyware during HRC54.
 - The first draft of the HRC54 statement was shared with the FOC for red-line edits until COB Wednesday, 6 September [*please note this deadline has passed - following consolidation, the draft will be circulated for silence procedure shortly*].
 - The US noted plans to share the statement with HRC Members at the same time as it is shared with the FOC for final silence procedure.
 - The US noted the statement was primarily developed using FOC-approved language, emphasising however the inclusion of “commercial spyware”.
 - The Netherlands noted that “commercial spyware” is difficult to move through their interagency programme and would prefer “intrusion software”. The US and Netherlands will continue these discussions offline.
 - If consensus is not achieved, the statement will move to individual endorsements.
- The US invited Members to alert their Geneva colleagues of the statement.
- Switzerland suggested including language from the Organisation for Economic Co-operation and Development’s (OECD) [Privacy Guidelines](#) and [Declaration on Government Access to Personal Data Held by Private Sector Entities](#).
 - The US agreed with the sentiment and suggested including the OECD documents as citations, noting word count as a limitation.

Action>> SC to notify Geneva colleagues of the HRC54 Joint Statement on Surveillance Technologies.

Draft Donor Principles for Human Rights in the Digital Age

- The US (USAID) noted the Donor Principles look to establish a framework for what rights-respecting foreign assistance looks like in digital contexts that would apply across various sectors of programming.
 - The Donor Principles development process sought to move forward elements of the 2023 PoA by facilitating a public consultation and incorporating representatives from the FOC-AN in the drafting group.

- The US (USAID) noted the red-line period has passed and thanked Denmark, the Netherlands, and the UK for their comments. Once the final draft is ready, the next step is for the SC to formally sign-off on the Donor Principles before being shared with the FOC for final silence procedure.
 - The Donor Principles are both FOC and Summit for Democracy (S4D) deliverables, with hope to announce the latter at S4D3 in the Republic of Korea in March 2024.
 - The Funding Coordination Group (FCG) plans to launch the Donor Principles on Wednesday, 11 October at the 2023 Internet Governance Forum (IGF) in Kyoto, Japan.
- The US (USAID) noted they are exploring drafting potential implementation guidance for various actors, including civil society, working-level diplomatic actors, and international development agencies.
 - Switzerland inquired whether there are plans to extend the Donor Principles to the private sector.
 - The US noted this is under consideration as they think about potential development of the implementation guidelines, and highlighted that big tech companies have been made aware of the development of the Donor Principles through the FOC-AN.
- Switzerland noted support for the development of the Donor Principles, but suggested that a lack of engagement from FOC Member States in the drafting might reflect that the need for applying a human rights-based approach to donor assistance frameworks is not yet being considered in donor agencies.

FOC AI Outputs

- The US raised the possibility of developing a pledge on responsible development, procurement, and use of AI by governments, and asked Members for any red-lines to this proposal, noting that it would be looking for internal commitment from FOC governments.
 - A draft of the Pledge would be shared after the Ministerial Meeting in September, and would follow the FOC ToR process for approval among FOC Members.
 - The US noted they would like to announce development of the Pledge during the Ministerial Meeting on the sidelines of the UN General Assembly, and then publish the Pledge during the UK's AI Summit in November.
 - Switzerland inquired whether the Pledge could be shared before the Ministerial Meeting.
 - The US noted they may be able to share top-lines / high-level priorities of the Pledge, but would need to confirm internally.
- The UK noted they would need to check internally to determine whether the Pledge is feasible.
- The Netherlands noted the importance of including all FOC governments in the process, as well as TFAIR and its non-governmental stakeholders
 - The US noted that information about the Pledge was shared with the TFAIR co-Chairs, and highlighted their recommendation to share it with Task Force Members.
- The Netherlands noted their support for the document, offered to share information about a domestic effort around government use of algorithms, and highlighted the importance of aligning the Pledge with other initiatives and frameworks, including the [Council of Europe AI Convention](#).
 - The Netherlands also noted the [White House Voluntary Commitments](#) and Informal Contact Group and inquired how the US sees the initiatives interacting with the Pledge, as well as how the Pledge would fit into other multilateral processes (Hiroshima Process, G20, OECD, the UNESCO Recommendations on the Ethics of AI).

- The US noted they see the initiatives as external and complementary, emphasising that the Pledge is focused more on the role of governments in AI governance.
 - The US emphasised that while the aim of the White House Commitments is eventually developing a legally-binding document, the Pledge would not be looking to do so.
- Switzerland noted their support for the Pledge, highlighting that it could be useful for strengthening negotiations, as well as the capacity-building efforts of the Office of the United Nations High Commissioner for Human Rights and its B-Tech project to build wide-spread knowledge on the subject.

Action>> SC to inform the US whether their governments are supportive of developing a Pledge on AI by **EOD Friday, 15 September**, which is planned to be announced at the Ministerial meeting in New York on the margins of UNGA on 20 September. *[Please note the US has shared top-level points about the AI Pledge, which are noted above and in the minutes.]*

FOC Engagement in the Global Digital Compact

- The discussion focused on exploring what FOC engagement in the Global Digital Compact (GDC) might look like during the US 2023 and Dutch 2024 Chairships.
- The US noted the revised FOC ToR, highlighting the point to strengthen FOC coordination in multilateral processes like the GDC.
 - Following the Secretary-General's GDC [Policy Brief](#) publication, Canada, Germany, the Netherlands, and the UK approached the US during the June SCM in Costa Rica to convene a strategy dialogue between Coalition Members ahead of the GDC and Summit for the Future negotiations, expected to take place in December 2023/January 2024. The Members agreed that human rights elements of the GDC needed to be discussed with the full FOC.
 - In parallel, the FOC-AN developed Proactive Advice on the GDC process, which will be made public on the FOC website, and presented to the Geneva and New York diplomatic networks in a virtual briefing on Wednesday, 6 September. *[Please note that capital representatives have also received an invitation to the briefing]*
- The US suggested strengthening alignment between FOC Members on elements of the GDC by developing a position paper.
 - The position paper would be an internal document outlining potential debates around human rights language, with the goal of securing agreement among Members about priority areas and language.
 - The US noted that Canada, Denmark, the Netherlands, and the UK had shared input, which enabled them to begin a first draft of the paper, however they are interested in receiving contributions from all FOC Members.
- Switzerland noted the importance of a multistakeholder process and suggested using the Geneva SCM in November to consolidate views.
 - The US agreed and noted the timing of the discussion at the SCM would make sense.
- The Netherlands highlighted the GDC as a priority in the 2024 PoA, noting development of a position paper would tie together well with their goals, and suggested aligning European Union GDC coordination.
 - The US also suggested expanding alignment to other regional initiatives focused on the GDC process to ensure diversity of perspective.
- The Netherlands suggested leveraging the TFDE to ensure global majority perspectives are taken into account when developing the paper.

Action>> SC to consider the proposal of developing an internal FOC position paper on the Global Digital Compact, pending a decision during the next SC monthly meeting (Wednesday, 27 September).

Action>> US to share the first draft of the Global Digital Compact position paper with the SC for review.

Funding for Government Participation in FOC Events

- The SU noted the topic was raised during the last SC monthly call and that no updates have been provided.
 - The topic will continue to be flagged during SC Monthly calls.
- The SU suggested housing the conversation under the FCG.

Action>> SC to revert internally and collect information about what funding sources are available to support global majority government attendance at FOC in-person meetings by emailing the SU, or sharing at the next SC monthly.

Next steps for implementing the FOC Terms of Reference

- The SU provided a brief overview of the FOC ToR revisions.
- FoC ToR revisions *[Note: the following detailed outline of the revisions provided below was not shared in the meeting due to time constraints, and is now shared in writing by the SU.]*
 - The SU highlighted the input to the ToR provided by TFDE, which ensured the addition of inclusive language, and that principles of diversity, equity, inclusion and accessibility are reflected in the operations and structure of all FOC mechanisms throughout the ToR.
 - “Aims and Priorities” (II, 1)
 - Changing the name of the FOC’s “Priorities” to “Working Methods” (under section II - Aims and Priorities) to better reflect the way the FOC operates. The three primary working methods are:
 - Information and knowledge sharing (II.b.1)
 - Allows a more structured approach to capacity-building within the FOC.
 - Activities include facilitating learning events and calls, monitoring and research activities, voluntary funding coordination, and sharing best-practices and guidelines on relevant policy and issue areas, as well as strengthening cooperation and coordination with outside stakeholders, where appropriate.
 - The SU are working on a proposal, and would like to come to an agreed approach by the Geneva SCM.
 - Diplomatic Coordination (II.b.2)
 - This method includes rapid responses. Types of actions that could be undertaken to rapidly respond to fast breaking crises are further elaborated in the Rapid Response Toolbox, which was developed by a small working group of FOC-AN Members, the US, and the Support Unit.
 - The SC will discuss the Rapid Response Toolbox during the next monthly meeting.
 - Advocacy (II.b.3)
 - This method includes prioritisation of advocacy in all FOC activities, events and processes.

- These working methods are already reflected in the activities that the FOC has been undertaking over the years, and aim to provide a clearer overview of how the FOC operates both internally, and with external stakeholders.
 - *These changes will have implications for PoA structure, activities, SU activities, and will lead to an overhaul of the FOC website and other communications channels to restructure content in-line with the new ToR.*
 - “Membership” (III, 1-3)
 - Clarifying that prospective new member reports are confidential within the FOC. (III.a)
 - Addition of language to strengthen member accountability, which is reflected under Membership Responsibilities (III.b.7): “Self-reporting on domestic and foreign policy efforts to support Internet freedom through their United Nations Universal Periodic Review reports and other pre-existing mechanisms.”
 - Rather than creating new reporting requirements, the Coalition can build on where countries are already self-reporting on.
 - The FOC is not expected to engage directly in the UPR process as an organisation. The aim of this addition is to clarify that Members self-report individually.
 - The SU is working on a proposal for implementation, which is aimed to be presented during the SCM in Geneva in November. This will include mapping out of upcoming UPR processes, which includes the following Members in 2024:
 - January 2024: New Zealand, Chile, Slovakia
 - August 2024: Norway, ROK, Costa Rica
 - October 2024: Italy
 - “Structure” (IV, 3-4)
 - Changing “Friends of the Chair” to “Steering Committee” to better reflect what the body actually does, i.e. provides support, guidance and oversight of processes (reflected across the whole document) (IV.b).
 - Adding the provision for the Troika mechanism, in line with the POA 2023, which would allow for easier coordination between past, current and future Chair, and more continuity in the FOC’s work (IV.a).
 - Adding the responsibility of the Chair to participate as a member in all of the FOC sub-entities (IV.a.6).
 - *These changes will have implications across documents, communications and in the work of all future Chairs.*
 - “Operational Procedures” (V, 5)
 - Section V has been renamed to “Operational Procedures”, noting “working methods” did not accurately reflect on the content of the section, as its focus is on FOC decision-making processes.
 - Clarifying that the FOC strives to operate by consensus (V.a).
 - Clarifying that the FOC issues other outputs beyond just statements - more recent examples include the Helsinki Declaration from 2021, the Ottawa Agenda from 2022, and the Guiding Principles on Surveillance Technologies published earlier this year (V.a.1).
 - Clarifying the length of silence procedures in decision making within the FOC (V.a).
 - *These changes will have implications on FOC Standard Operating Procedures.*

Action>> SC to discuss the Rapid Response Toolbox at the next SC monthly meeting.

AOB

- The SU noted a number of FOC Members have reached out to inquire about the 2025 Chairship, and raised to the SC whether they would like to issue the call for expressions of interest for the 2025 FOC Chairship earlier, and for how long.
 - If multiple bids for the Chairship are submitted, a decision may be made by voting, in accordance with the FOC ToR (IV.a).
 - The SU noted that the voting mechanism has not been used to determine an FOC Chair thus far.
 - The US and Netherlands offered potential deadlines for expressions of interest in November, settling on the 1st of November.
 - The SU noted that historically they facilitate bilateral/trilateral negotiations to explore sequencing consecutive Chairships instead of implementing the voting mechanism.
 - Estonia agreed that the preference is not to use the voting mechanism.
 - The UK inquired about the possibility of co-Chairships.
 - The SU noted that the possibility of co-Chairships was previously explored primarily in relation to Member support for the FO Conference.
 - The SU noted the recent consecutive Chairships have been global North-based.

Decision>> SC agreed to open the rolling call for expressions of interest to Chair the FOC in 2025 with an initial deadline of 1 November.