

NETmundial Organizing Partners:

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Dear NMI Organizing Partners,

Thank you for engaging with ICC-BASIS in the NMI clarifying conference call on 8 December 2014. The discussion and your letter of 12 December 2014 helped provide answers to some of our questions regarding NMI but a number of concerns remain, which further dialogue may help to address. We appreciate that some of the proposals offered have since been reflected on the website, such as the shift in language requiring participants to “embrace” the principles, rather than “subscribe” to them, reducing the legal complexity for companies. The NMI site, however, still leaves significant questions as to the nature and scope of the planned activities unanswered or unclear. Of particular concern, we note that NMI’s commitment to a prime objective of supporting and complementing IGF, with an assurance of not replicating or replacing IGF, seems buried in context and thus is unclear and remains ambiguous in its intent. We note, for example, that there is no mention whatsoever of the IGF in text describing purpose and objectives on the NMI home page.

The business community, as represented by ICC-BASIS, is not the only stakeholder to have raised concerns of this nature. We remain puzzled as to why the NMI has not provided a clear scope and objective in the written text describing the mission and purpose of NMI. We would expect similar statements of the nature that were made to us on the call, specifically that NMI is focusing on providing a tool that will facilitate finding relevant Internet governance-related resources.

There are a myriad of questions that remain about the way that tool could be architected and the extent to which its content may need to be curated, but that should not detract from an ability to clarify that NMI is neither engaged in policymaking nor directing which policy outcomes are appropriate. If it would indeed be what might be called a ‘matching engine’ – used to find all relevant resources related to a topic of inquiry, a clear statement of the assurances related to the IGF would seem appropriate at the very outset of any description of the NMI, its mission or principles if we are to correctly understand our conversation. Further, we would also appreciate clarity on how the platform provided by the NMI or the

projects that are facilitated by the NMI are proposed to be leveraged by the IGF to further its mission and, especially in 2015, support the renewal of the IGF's mandate.

We appreciate that crowd sourcing and funding could help provide solutions for some issues, but we firmly believe that a number of these issues are being worked on in existing organizations; however, the work may not be known to the persons or organizations that may be asking the questions. The first objective of the matching engine should be to enable matches to resources. Where the resources are nonexistent, or are insufficient to address the issues, other work may be considered and could be facilitated by the tool. But it would seem wasteful and duplicative for the tool to spur new work that merely rehashes concepts or activities already in progress elsewhere. If left unchecked, this could result in "forum shopping" where those unwilling to work within existing processes attempt to create a parallel work item that, rather than being reflective of real multi-stakeholder process, becomes an unneeded distraction, slowing progress for all.

This raises the issue of curation. The tool would need to organize and categorize work for search and retrieval purposes, but should there be any question as to either quality or correctness of the content or of the ability of the content to scale to the question or need being raised?

For example, users may be able to infer the applicability of a solution to their specific situation (assuming they tried the solution), but they may not be able to judge the merits or authenticity of the proposed solution as a resource. In fact, validation of actual existence of solutions listed may be needed to avoid scamming and posting of inaccurate solutions. Will the provenance of the proposal be provided and will there be enough context to understand the origin and potential utility of the possible resource?

Some resources may be technical in nature and in some cases, like e-government issues, may be contained in business case studies or implementations of reference. While they are likely to be factually correct, they will not necessarily present an unbiased overview of a solution, but instead, a narrowly crafted explanation of how certain technology can be applied to solve a problem. Similarly, there may be a civil society policy project that would more naturally focus on addressing the societal risk of an issue, than equally considering obtaining economic or efficiency benefits for society from a certain solution. It is not that the resource in either of the above cases would not be useful; it is just that its context and origination should be known and understood by the user. At the very least, proper intake of a proposal should fully disclose the interests/affiliations of the proposer(s).

Another topic raised on the call was how to assure broad representation of stakeholder interests in the governance of the NMI. We remain concerned that self-nomination is not an appropriate organizing function. We do not doubt the good intentions of any of the nominees, but self-nomination when individuals are expected to represent a sector or stakeholder group, and not their own self-interests, does not seem to be an appropriate mechanism.

We appreciate that the phone call with ICC-BASIS was undertaken as a way to provide more transparency regarding the NMI; however, we believe that more rigour needs to be paid to the process elements of NMI, especially in light of the lack of transparency, which accompanied its launch. We understand that there is now an open consultation period in which further comments and input will be welcomed, and we look forward to seeing the comments received during this open consultation posted in an open and transparent manner on the NMI website, including our own correspondence with NMI.

These are just a few of the operational questions that have arisen after our conversation. We believe that further conversations would be useful. We would also appreciate the appropriate clarifications of scope of activity and commitment to the IGF to appear in the website and related documentation of the NMI to appropriately reflect our past conversation in advance of scheduling a follow up conversation.

Regards,



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