

New Internet governance must be truly independent, reflect diverse perspectives and champion the benefits of digitalisation for people.

In July 2018 the Internet Commission convened leading UK and international NGOs to discuss emerging approaches to Internet regulation. We posed specific questions to establish key areas of agreement, challenge and disagreement among civil society stakeholders.

Key take-aways

- The primary objective of any regulation should be to balance risks and opportunities with the aim of maximising the wellbeing and flourishing of individual citizens and society.
- Evidence of harm is hard to establish, and precise definitions are difficult in a rapidly changing context. It is vital to avoid disproportionate restrictions of legitimate content.
- The precautionary principle¹ could be adopted alongside action to improve the evidence base. In other contexts, this principle has been used to enable action when evidence is incomplete.
- Greater oversight of Internet platforms is necessary but there is no consensus yet as to what shape this should take. It should be truly independent and able to stand up to both big business and governments.
- A multi-stakeholder approach is essential but must be resourced to tackle power imbalances and bring diverse perspectives, including those of children and other vulnerable groups.
- The benefits of digitalisation must be better evidenced and explained to people alongside action to counter unintended and undesired consequences.

These findings will shape the Internet Commission’s work with private firms and governments in the UK and internationally to contribute to a more transparent and accountable Internet. In particular, the Internet Commission will convene industry to develop its thinking on accountability for content management processes. It will also consider the precise role of independent assessment and how the quality of metrics used in transparency reporting could be assured.

	KEY CHALLENGES	AREAS OF DEBATE	AREAS OF AGREEMENT
POLICY	<ul style="list-style-type: none"> ▪ Defining harms effectively. ▪ Duty of care vs. freedom of expression. 	<ul style="list-style-type: none"> ▪ Implications for intermediary liability. ▪ Digital platforms as public spaces. 	<ul style="list-style-type: none"> ▪ Duty of care could deliver user safety, legal clarity. ▪ Processes focus to drive improvement.
EVIDENCE	<ul style="list-style-type: none"> ▪ Precautionary approach? 	<ul style="list-style-type: none"> ▪ Role of politicians and Governments. 	<ul style="list-style-type: none"> ▪ Strong multi-stakeholder process needed.
INSTITUTIONS	<ul style="list-style-type: none"> ▪ Democratic ideals in global context. ▪ Big tech strong, SMEs disengaged. ▪ NGOs single issue, regulator culture. 	<ul style="list-style-type: none"> ▪ Need for engineering expertise. 	<ul style="list-style-type: none"> ▪ Need oversight of processes for removal of illegal and harmful content. ▪ Independent oversight vital. ▪ Need appeals processes. ▪ Stakeholder representation must be funded.
PEOPLE	<ul style="list-style-type: none"> ▪ Benefits of targeted advertising and differential pricing? ▪ Acceptance of data analytics and AI; ethical challenges. 	<ul style="list-style-type: none"> ▪ Gaming and VR environments. 	<ul style="list-style-type: none"> ▪ Wide range of needs. ▪ Lack of digital understanding. ▪ Digital advertising especially opaque.

¹ EUR-Lex Communication on the precautionary principle: <http://bit.ly/2LoemdW>

Policy framework

The duty of care proposal could deliver user safety and offer greater clarity about what is illegal. To drive practical improvements, it makes sense to focus on accountability for processes. Key challenges:

- Is it possible to define harms such that there is flexibility to amend over time?
- Is a broad duty of care compatible with human rights law approach to protecting freedom of expression?

Other important debates focus on the implications for intermediary liability and how and when platforms function as public spaces.

Evidence base

Most agree that a strong multi-stakeholder process is required, supported by a range of expert input. It is difficult for politicians to decide on matters of free speech. Governments must be involved, but as one of a range of stakeholders. The key challenge is that clear evidence of harm is often difficult to establish. A risk-based or precautionary approach should therefore be considered.

Institutional approach

Strong oversight of processes for removal of illegal and harmful content is needed, including appeals processes. True independence is critical. The multi-

stakeholder model can only be effective with the establishment of adequate and sustainable funding for stakeholder representation. Key challenges:

- It is vital to include diverse backgrounds and minority perspectives, but can and should all democratic ideals be upheld in a global context?
- Big tech companies are strong, SMEs do not participate, civil society bodies tend to be single issue based and the traditional culture of regulators is not up to the task.

Some argue that there is insufficient technical expertise in policy debates.

The people's perspective

There is a wide range of different user needs, but there is also a general lack of digital understanding and so of genuinely informed consent. This is exacerbated by the opacity of the digital advertising ecosystem, which is an obstacle to effective safeguards, transparency, understanding and accountability. Key challenges:

- Do targeted advertising and differential pricing enhance freedom of expression and customer choice?
- Practices based on artificial intelligence and machine learning raise important ethical issues.

Finally, some argue for a broad definition of platforms to include multiplayer gaming, virtual and augmented reality environments.

In May 2018 the UK Government set out its plan to publish a Code of Conduct and proposals for future legislation². In July 2018, as part of its Dialogue on Digital Responsibility, the Internet Commission brought together leading thinkers on digital responsibility, trust and accountability. They debated the UK Government's plans and discussed specific proposals from others about transparency reporting³, an accountability framework⁴ and the introduction of a duty of care⁵.

Participants included: Age UK, Article 19, Children's Charities' Coalition on Internet Safety, Corsham Institute, defenddigitalme, Index on Censorship, Internet Watch Foundation, NSPCC, Privacy International, UNICEF UK and Which? The Internet Commission is grateful to the Oxford Internet Institute for its support and partnership. The conclusions presented are those of the Internet Commission and do not necessarily reflect the views of all the participants.

For more information:	Jonny Shipp	j.shipp@lse.ac.uk	+44 7730 547355
	Julian Coles	julian@juliancoles.com	+44 7801 624917
	Dr Victoria Nash	victoria.nash@oii.ox.ac.uk	+44 01865 287231
	Dr Ioanna Noula	i.noula@lse.ac.uk	+44 7847 095559
	Jessica Sandin	jessica@sandconsultancy.com	+44 7714 219953

² UK Government response to its Internet Safety Strategy Green Paper: <http://bit.ly/2u1TdvJ>

³ The Internet Commission – transparency reporting framework: <http://bit.ly/2KOf2Jw>

⁴ Keeping Consumers Safe Online – Legislating for platform accountability for online content: <http://bit.ly/2zHxLt>

⁵ Professor of Internet Law Lorna Woods, University of Essex and William Perrin – written evidence to the House of Lords inquiry, "The Internet: to regulate or not to regulate?": <http://bit.ly/2uhdr4t>