Friends of the Chair Meeting #3
Wednesday, 22 March 2023

Attended: US (Chair); Canada, Denmark, Germany, Ghana, Netherlands, Switzerland, UK; Support Unit (SU)

<u>Housekeeping</u>
- Updates from the SU
  - The Global Digital Compact (GDC) submission, comprised of existing FOC consensus language combined with input from Task Forces and Working Group, was shared with the FOC for awareness and will be submitted by Canada on behalf of the Coalition.
    - The FOC GDC submission clearly distinguishes FOC existing language and input from sub-entities throughout the document.
    - Germany noted the GDC submission deadline has been extended to Sunday, 30 April.
  - The Guiding Principles on Government Use of Surveillance Technology passed silence procedure with no objections.
  - Comms
    - Friends of the Chair (FotC) members will receive their login information for the newly launched [FOC Digital Hub](#), an internal web platform that will contain all FOC files, meeting agendas, event information, and news updates in relation to ongoing procedures, by EOD Thursday, 23 March.
      - The Digital Hub will be rolled out to the wider Coalition and FOC Advisory Network members in the coming weeks.
      - If members have any questions or access issues, please reach out to the SU.
- Updates on Task Forces (TF) and Working Group (WG)
  - Sub-entity leads have been asked to give 10 minute presentations on their work during the SCM working lunch on Day 1, with particular focus on their plans during the 2023 Chairship.
    - US noted that each sub-entity has a US representative that the leads can reach out to for guidance.
  - US noted the goal is to have the Foreign Ministers of the government Task Force and Working Group leads to present the accomplishments of the sub-entity at the Ministerial meeting later this year.

<u>Discussion Items</u>
Proposal to amend the Stockholm Terms of Reference (ToR)
- SU noted that a document with line-by-line edits of the ToR was shared with the FotC, and highlighted the proposed amendment include both substantive and technical edits.
- US noted they plan to share the proposed amendments with the wider FOC during the SCM and invited FotC members to provide feedback and initial reactions during the March monthly meeting.
- US provided context for the motivation to amend the ToR, noting that many amendments are cosmetic and intended to enhance clarity around the FOC and how it functions.
- US highlighted two substantive edits in the proposed amendments that relate to consensus
  - (1) US proposed developing an addendum to the ToR that clarifies what a secret ballot is and how it is used.
    - US noted the rationale behind this proposed amendment is in anticipation of the Coalition's growth, and to establish greater clarity around how the voting

mechanism would be used in a situation where a minority group of FOC
                members are preventing consensus.
        ■ US strongly emphasised that consensus is still the priority in all FOC decision
                making.
            ● SU confirmed that the secret ballot has never been used in FOC
                processes, noting that members have always strived for consensus.
    ○ (2) US proposed making self-reporting to the Universal Periodic Review (UPR) process
        mandatory for Coalition members to strengthen accountability.
        ■ The UPR is currently referenced in ToR as an optional activity.
        ■ US noted the proposed amendment is intended to address concerns from the
                FOC-AN about FOC member accountability.
- Netherlands noted they understood the reference to the UPR in the ToR as a guidance for the
    FOC to engage with non-FOC countries, rather than as a self-reporting process.
    ○ Netherlands highlighted that Internet freedoms are rarely part of UPR discussions, and
        noted that encouraging FOC members to be more inquisitive about digital rights
        globally is something to strive for with new approaches.
        ■ US noted limitations around questions that can be directly asked to another
                country as a challenge of the UPRs, and highlighted they saw the UPR
                amendment to the ToR as an opportunity for Coalition members to reflect on
                their internal human rights record.
    ○ Netherlands noted their support for self-reporting mechanisms.
- Denmark asked for an example of how the secret ballot would be used, and inquired whether
    the secret ballot mechanism is actually a change since it is currently in ToR.
    ○ US confirmed the secret ballot is not new and their hope is to further clarify it through
        the proposed amendments.
- Denmark noted on the proposed UPR amendment that it is encouraging the inclusion of
    Internet freedom as part of the UPR process, and flagged they would need to run it by their
    human rights team.
- Denmark noted 'peer learning' was changed to 'periodic review of member commitments' and
    asked for clarification about what it would entail and how frequently.
    ○ US responded noting the term 'periodic' was used to qualify the activity as there is no
        set schedule.
    ○ SU noted that peer learning was held on the margins of various annual conferences the
        FOC organised as a mechanism for capacity building for members to share experiences
        and challenges of complying with FOC commitments.
    ○ Denmark noted their support for learning sessions as opportunities for capacity
        building, and suggested holding one in light of the situation in Tunisia.
    ○ Denmark further noted they support making amendments that seek to have more
        engaged commitment from members, and highlighted the importance of also
        maintaining a positive focus on opportunities to inspire and learn from other Coalition
        members.
- Germany queried about the approach to 'Working Methods', and whether the proposed
    consensus amendment was moving the FOC away from its place as a consensus-based
    organisation.
    ○ Germany and Switzerland emphasised the importance of taking time to move
        thoroughly through the proposed ToR amendment process.
    ○ SU noted that the secret vote mechanism is situated under Working Methods and
        would require at least half of all FOC members to vote in order for the vote to be valid,
        and two thirds of voting members are required to approve a matter by vote.

- - US noted that implementing a secret ballot would be very difficult and highlighted that pursuing consensus would still be preferred.
    - US affirmed that the ToR amendments process will not be rushed.
    - Germany noted that , in the current ToR, the secret vote as a mechanism for decision-making is limited to the FOC as a whole, and it does not apply specifically to FotC decision-making.
      - Germany noted that an amendment to this mechanism would change the consensus-based nature of the FOC.
- UK noted that the Task Force on Internet Shutdowns recently held a learning call about Access Now's #KeepItOn report, and flagged that Tunisia, FOC member, featured in the [report on Internet shutdowns](#).
- Switzerland noted concern about the proposed language change from FotC to 'Steering Committee', noting it sounds like setting up a stronger kind of governance.
  - US noted that the name change is aimed at better clarifying what the FotC does.
  - US noted Switzerland will be hosting the third SCM in September and plan for the updated ToR to be approved by SCM.

Concept note for the Funding Coordination Group (FCG)
- SU noted the concept note for the FCG, meant to frame how the FCG could operate, has been shared with the full Coalition for input. *[Please note the deadline for comments has now passed.]*
- SU clarified that the FCG already exists and is enabled through the current ToR, but has been dormant in recent years.
- US (USAID) noted there will be more time to discuss the FCG during the SCM, particularly highlighting Day 2 for these conversations.
- Germany recalled its break of silence on the concept note and further noted the need to have an in-depth discussion about how to organise the decision making of the FCG.
  - US (USAID) noted all funding coordination efforts will be voluntary and no FOC member will be required to allocate funding in accordance with FCG decisions.

Modalities for Observers' participation in FOC activities
- Discussion item was parked for the time being.

Program of Action (PoA) 2023
- There were no new PoA updates during the meeting.

AOB
- Denmark provided an update on the establishment of a Task Force on Trustworthy Information Online.
  - The Task Force would be focused on ensuring a trustworthy ecosystem online and access to a diverse source of information, with the concept note for the Task Force to be shared with the FotC soon.