TECHNICAL REPORT

Summary Analysis of Proceedings from The Canadian Internet Society 2024 Digital Policy Forum

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Prepared for:

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EXECUTIVE SUMMARY

On June 5, 2024, The Canadian Internet Society (TCIS) hosted a Policy Forum aimed at gathering insights from thought leaders in digital policy to inform advocacy efforts ahead of an anticipated 2025 federal election. The TCIS Digital Policy Forum was hosted virtually, employed a Chatham House Rule approach to discussion, and involved approximately 40 invited participants. Participants identified current issues in digital policy, discussed lessons from past failures in digital policy, and considered policy interventions that could support preferrable futures.

Summary Impressions from the TCIS Digital Policy Forum

Digital policy covers a massive field. Digital policy is tasked with addressing an immense field of issues and relationships, requiring a whole-of-government approach that reflects and addresses the impacts of technology on the whole of Canadian society, economy, culture, and futures.

Leaning from past mistakes is required to avoid future failures. Evaluating the impact and effectiveness of historical and contemporary digital policy interventions is critical to understanding what has worked and what has failed – and why – so that future interventions can be made more accurate, timely, and effective.

Proactive advocacy is critical for successfully influencing constructive policy change. Leaders across digital industries, research, and community interests must proactively engage early, frequently, and consistently with the policymaking process to avoid the challenges associated with trying to change digital policy after legislation has been developed or introduced. Government(s) must transparently and consistently seek engagement with cross-sectoral expertise to facilitate effective knowledge mobilization and evidence-based policymaking.

Summary Recommendations for Developing a Canadian Digital Policy Agenda

Digital policy planning and interventions must reflect multi-stakeholder engagement and governance: Government(s) must seek, engage, and cooperate with a broad range of stakeholders from industry, research, and community interests to ensure that the socioeconomic and technical implications of policy interventions reflect the complex dynamics of the entire ecosystem.

Considerations of the interactions between digital policy and other socioeconomic policy portfolios must be fully integrated through a 'whole of government' approach: Digital policy should be approached through whole-of government recognition of the scale, impact, and importance of digital policies on all aspects of Canadian society. Digital industries and technological developments will determine the future of the Canadian economy and culture; policy must reflect this through both where it is 'housed' within government(s) and how it is prioritized and reflected through broader socioeconomic policy interventions.

More effective knowledge mobilization is required to ensure digital policy is timely, proactive, and responsive: There is deep expertise across Canada and internationally that can and should be engaged in developing digital policy interventions. Learning from other jurisdictions, supporting effective and transparent communication between policymakers and subject-matter-experts and those with lived-experience, and investing in proactive and future-oriented research on the intersection of technological advancement and public policy are critical to supporting an effective digital policy agenda.

APPROACH + DEVELOPMENT

The TCIS Digital Policy Forum evolved from an initial plan to hold a 'hackathon' on the topic of 'the fractured Internet', but quickly pivoted to respond to current (suboptimal) trends in Canadian digital policy making. In addition, an anticipated federal election in 2025 provides a window of opportunity to develop a digital roadmap to support a new Government (of any party) in the development and implementation of more effective legislation and policy.

The reimagined forum was developed through multiple stages of engagement. Members of the Steering Committee sought input from thought leaders in the digital policy field on critical emerging issues in Canadian digital policy to help shape the agenda for a discussion-based forum on those issues.

Participants were invited to the TCIS Digital Policy Forum largely through existing networks connected to the TCIS, with consideration of the following[1]:

- Demographic diversity (i.e., age, gender, cultural identity, persons with disabilities, differing lived experience, etc.)
- Geographic diversity and range (i.e., inclusion of perspectives from across Canada)
- Sub-field diversity (i.e., inclusion of professionals and persons with lived experience across different aspects of digital policy issues, including but not limited to law, academia, private enterprise, public administration, community and cultural leaders, differing stages and orientations of careers, etc.)
- Outliers/challengers (i.e., seeking differing points of view and lived experience)
- Recommendations from other participants/advisees (i.e., inclusion of individuals recommended by others already committed to participating in the forum).

[1] To ensure participants could speak freely and candidly, their contributions to the Forum are not attributed. The Forum was 'invitation only', however, any individual or organization who expressed interest in participating was welcomed and invited. Participants were free to come and go throughout the day as needed. While 51 individuals registered, total participation ranged from 32 to 40 individuals throughout the forum itself.

Context & Limitations

It is important to note that work of this nature carries inherent limitations. It is impossible to design perfect consultation mechanisms, regardless of the method used. All research, consultation, and engagement initiatives represent imperfect efforts to get closer to answering challenging questions. The TCIS Digital Policy Forum, and this report, represents 'a moment in time' and was completed at a scope and scale that reflects the resources and capacity of TCIS and the lived realities of those who participated in the forum.

The TCIS Digital Policy Forum was designed and executed in a digital format. This decision was made to facilitate cross-Canada participation and to support an inclusive approach that allowed participants to join the forum in the capacity that best worked for them.

The forum was conducted using a 'Chatham House Rule'[2] approach; participants are not identified in any materials generated and there is no attribution of any content throughout this report to specific participants. This approach was taken to encourage candid conversations and to ensure that participants need not worry about reprisal for comments offered during the forum. While this approach protects the privacy of participants to a strong degree, there are dynamics involved in applying the Chatham House Rule that should be considered. In pragmatic terms and specific to the topic of the TCIS Digital Policy Forum, participants were advised that there was the possibility that they could be identified by content they share by virtue of their personal and professional networks' familiarity with their expertise and positions. Additionally, since the TCIS Digital Policy Forum was held using a virtual meeting platform and recorded for the sake of data analysis, there is always the potential for a data breach that could reveal participants identities, their contributions, and the substantive nature of the discussions undertaken.[3] In terms of practicing transparent and equitable engagement, the Chatham House Rule can sometimes re-embed already existing power dynamics, invite concerns regarding transparency and accountability, and create challenges for determining the authenticity and/or veracity of contributions.

[2] Although sometimes referred to in the plural, there is only one Chatham House Rule. The Rule reads as follows: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed." (Chatham House, 2024)

[3] Participants were advised that the meeting was being recorded and repeatedly reminded that they could remove their participation at any time during the meeting and until the subsequent report was released publicly.

The consultative discussions carried out through the TCIS Digital Policy Forum were supported by skilled volunteers from within the TCIS network. These volunteers are all experts in their own work related to digital policy. However, it should be noted that the subjective nature of individual approaches to facilitating discussions can produce different outcomes. The volunteer facilitators were supported with guiding materials/directions and participants were placed in working groups with different facilitators throughout the day to help address any variability in this experience.

It is important to emphasize that material gathered from the TCIS Digital Policy Forum represents the opinions shared by participants, based on their individual expertise as well as their own interests and priorities. The material provided by participants was not fact-checked or otherwise verified. This report is not peer-reviewed nor representative of the full breadth of existing evidence regarding digital policy. As with most discussions related to public policy, different individuals and organizations will and do provide different, sometimes competing or contradictory, recommendations for what 'should' be done in digital policy. Acknowledging and addressing such contradictions is a critical challenge for everyone involved in policymaking process.

Finally, it should also be noted that while the TCIS Digital Policy Forum sought to invite and include a broad range of expertise and lived experience, the total number of participants ranged from 30 to 40 throughout the day and represents a very small slice of the population of experts in the field and/or people most intimately affected by changes in digital policy. It is possible that certain sub-fields of expertise and perspectives were over-weighted, despite best efforts to ensure balanced participation. It is likely that important perspectives were not heard or presented during the forum simply by virtue of scheduling conflicts, the 'unknown unknown' of people who could have attended but neither party was aware of the other, or through any number of other dynamics or circumstances.

While the above should not be considered an exhaustive exploration of the context and limitations of the TCIS Digital Policy Forum, it also should not be read as negating the value of convening the TCIS Digital Policy Forum nor any of the content produced from the forum. Instead, these considerations are offered to ensure that this report is read as a just one piece of a very large puzzle and an invitation to further consider and investigate the issues and questions raised by the TCIS Digital Policy Forum. This report should be positioned in concert with broader advocacy regarding digital policy in Canada and considered as part of the ongoing

conversation about critical issues in the digital policy space.

DIGITAL POLICY FORUM WORKING SESSIONS: OVERVIEW OF EMERGING THEMES

The TCIS Digital Policy Forum consisted of three facilitated working sessions of approximately an hour each, as follows:

- **Working Session 1: Mapping the Current State of Digital Issues**
    - Participants were tasked with creating an inventory of the current state of issues related to five thematic areas in digital policy: infrastructure; culture; legislation & regulation; foresight; and integration.

- **Working Session 2: How Did We Get Here? Ghosts of Trends Past**
    - Participants were tasked with selecting and analyzing a past failure in digital policy or a 'burst bubble' in digital trends related to five thematic areas in digital policy: infrastructure; culture; legislation & regulation; foresight; and integration.

- **Working Session 3: Future Possibilities – 'Where To' From Here**
    - Participants were tasked with considering two potential timelines for digital policy in Canada: the probable and the preferable future, across three subdivided time-horizons: 'now' (current to 10 years), near future (10 to 25 years), and far future (25+ years).

The complete material generated in each working session is included at the end of this report in Appendices A, B, and C.

Key Themes from the Digital Policy Forum Working Sessions

Current State of Issues in Digital Policy

At the end of the first working session, participants reflected that the umbrella of digital policy covers an immense field of issues: physical infrastructure, national security, facilitation of and/or impediments to democratic participation and labour rights, platform governance, managing emerging technologies, and an incredible number of issues in between. The overall landscape of issues in digital policy

identified by participants and their reflection that it was challenging to fully define and capture the full contents of that landscape emphasizes just how much is being tasked to this particular policy portfolio.

There were three key themes across all working groups:

Governance

Governance was expressed as a critical issue, threat, and opportunity across all issues related to digital policy. Participants expressed concerns that Canadian digital policy is managed in a disjointed way and inappropriately 'housed' under Ministerial or program portfolios that do not reflect the current importance, interdependence, and influence of digital policy across whole-of-society impacts.

Of significant concern to participants was the fragmented approach to digital policy oversight, the perception that the Canadian Radio-television and Telecommunications Commission (CRTC) may not be the best regulatory body/agency to oversee digital policy issues, and the suggestion that digital policy, in general, should be managed and directed under either a new or more appropriate Ministry or through a whole-of government approach. Prioritization of digital policy to its own portfolio or embedding digital considerations within central agencies may support better coordination and coherence of digital policies. Across all working groups, there was consistent emphasis on the need to support stronger consideration of the interactions between digital policy interventions with other policy interventions. Better governance may address what participants noted as ineffective attempts to solve broad socioeconomic challenges via singular digital policy interventions.

Finally, participants consistent expressed concern regarding who leads digital policy development and in what way, particularly with regard to the dynamics between politicians, civil servants, and external lobbyists. Ensuring transparency and clear lines of accountability through appropriate governance was consistently raised as both an opportunity (if pursued) and/or a threat (if not pursued) that affects all types of digital policy issues, from managing emerging technologies, such as artificial intelligence, through to ensuring appropriate investment in physical telecommunications infrastructure.

(Lack of) Engagement of Technical Expertise

Across all working groups, participants noted that insufficient, inappropriate, or ineffective engagement with a broad range of stakeholders is producing suboptimal outcomes across all aspects of digital policy. The perception that policymakers rely on a narrow group of stakeholders, whether that be a limited number of telecommunications corporations or lobbyists working on behalf of specific technology proponents, was identified as a major issue.

Participants noted throughout working sessions that the list of actors or stakeholders that could or should be engaged in digital policy planning and development extends beyond those that are typically associated with the portfolio and emphasized the criticality of multi-stakeholder engagement. Multi-stakeholder engagement was identified as an important method of ensuring that digital policy is not guided by political dynamics, special interest groups, or individual firms. This was noted as particularly important for issues related to physical infrastructure/ telecommunications, regulation of competition, protection of privacy, addressing mis/disinformation, and ensuring policy is responsive to emerging technologies like artificial intelligence.

Participants noted that multi-stakeholder engagement could be an opportunity or a threat, depending on whether it is pursued/established – or not. Engaging a wide range of subject matter experts and those with lived experience in dealing with the impacts of digital policy on their communities was emphasized as important for learning from previous digital policy interventions both in Canada and from other jurisdictions. Leveraging multi-stakeholder engagement was identified as key to developing capacity across all sectors connected digital policy and an opportunity for understanding the full impact of digital policy on the whole of society.

Lagging Response to Emerging Technologies

Participants consistently noted lagging responses to emerging technologies, most recently artificial intelligence, as a significant issue in digital policy. Artificial intelligence was specifically identified across all working groups and referenced as the latest example of policy struggling to catch up to new and advancing technologies. Ongoing, non-partisan, and high-quality evidence reviews from a wide range of experts and cross-sectoral advisors was identified as an opportunity for ensuring that the policymakers are informed and capable of anticipating and

responding to issues and opportunities before they become significant challenges or threats.

To a large extent, the issue of lagging or inadequate policy responses to emerging technologies may be a function of the previously discussed themes of governance and insufficient engagement with technical expertise. Participants contributions highlighted the systemic relationship between structural challenges to effective policy making and resulting poor outcomes of any policies developed. Participants noted that digital policy tends to focus on a particular technology, singular platform, or very specific issue, rather than the underlying dynamics of the broader ecosystem. Reactive and narrow focus prevents policymakers and the policy process from effectively coping with a rapidly changing landscape. Ensuring digital policy interventions undergo impact assessments that incorporate engagement with experts from across relevant fields/sectors, and that this engagement is incorporated early and on an ongoing basis throughout the policy process, was indicated as vital to supporting better, faster responses to emerging technologies.

Learning from Past Failures

The failures examined by participants in their respective working groups included the following:[4]

- Digital Divide/Insufficient Infrastructure/Connecting Canadians
- Bill -18 – Online News Act (selected by two groups)
- Monopolies in Digital Industries
- Failure to Adopt/Adapt to Emerging Technologies

Consistent with the inventory of current issues in Canadia digital policy, when considering past failures or 'burst' bubbles of digital trends, participants consistently identified issues of governance, the need to engage technical expertise, and failure to respond to threats or opportunities appropriately based on sound evidence.

The consolidation and vertical integration of digitally oriented industries/firms was noted as a particular challenge to governance, producing unhelpful dynamics between entrenched interests and reactive, fragmented policy processes. Participants noted that this is augmented by a lack of transparency on how digital

[4] Each working group was free to identify/select a 'failure' of their choosing. Examples were provided to facilitators in case groups had difficulty generating their own ideas.

policy is developed, who is consulted in the process, the conflation of politics with policy, the application of outdated policy levers, and a changing landscape that requires oversight from a new or different Ministry (rather than Canadian Heritage).

Participants noted that an 'us-versus-them' dynamic has developed both between digitally oriented industries and the government, as well as between different types of actors and interests within digitally oriented industries. This is compounded by Canada's relatively limited ability to influence global platforms; interventions to address issues with global platforms through insular, Canadian-only legislation, rather than through broad international coalition building, was noted as contributing to policy failure. Poor engagement with cross-sectoral expertise was noted as contributing to these dynamics and to failures in recognizing whether emerging technologies will have significant impact or are 'overhyped' trends that will fail to deliver on their promises.

Finally, participants across working groups identified the failure to devote sufficient resources – time, money, support and/or expertise – as a core component of the failures they considered.

Probable versus Preferable Futures

The general arc of the 'probable' future plotted by participants followed a decidedly negative path: the threat of a widening gap between technology development (fast) and regulatory intervention (slow) was associated with further consolidation and worsening of oligopoly structures, social and economic disruption and destabilization, institutional failure and decline of democracy, and a general 'doom loop' where systems become harder and harder to control. The threat of poorly governed artificial intelligence, the interference of bad actors, and digitally driven global disparities were consistently noted as significant, and potentially fatal, threats.

Conversely, participants noted preferable futures could and should be achieved through Canadian leadership in international cooperation to address global-scale technology advancements through multi-stakeholder engagement and stewardship. To achieve this, policymakers were encouraged to ensure transparency in the policymaking process, develop strong guardrails for artificial intelligence and other emerging technologies, enforce legislation that supports decentralization and increased competition, and commit to significant ongoing investments in research and knowledge mobilization.

Notably, the dual threat/opportunity of artificial intelligence was a dominant theme across both projected timelines.

DISCUSSION & CONSIDERATIONS

Moving from Frustration to Action

The primary take-away from the TCIS Digital Policy Forum is that participants are, across the board, frustrated by Canada's current approach to digital policy. From infrastructure to artificial intelligence, positive impressions of Canada's suite of digital policies were few and far between. It is imperative, then, that this frustration be converted into tangible and meaningful engagement with policymakers in a way supports robust and meaningful relationships and positive outcomes for everyone.

There are many opportunities for metabolizing broader concerns into specific interventions. While there are conflicting positions on what is wrong with Canada's current approach to digital policy and what might be done to correct it, ranging from very specific complaints about particular legislation to broad based arguments that the entire 'regime' needs to change, moving from frustration to action may be best supported by undertaking solution-based advocacy. Making this shift requires actors and advocates external-to-government to develop proactive, tangible proposals based on what they want to see happen. Impressions from the TCIS Digital Policy Forum indicate that the challenge of moving from reactive engagement with specific policies to proactive advocacy for desired outcomes is a challenge worth undertaking.

The Big Umbrella of Digital Policy

Part of the goal of the TCIS Digital Policy Forum was to emphasize the breadth and depth of what falls under the umbrella of digital policy. Effective policy interventions depend on knowing what is 'in' and what is beyond scope. As technology continues to exert increasing influence across socioeconomic dynamics, it is important to recognize the scale of what is being tasked to digital policy.

Despite recognition that digital policies will affect the future of all aspects of Canada's socioeconomic ecosystem, it remains challenging to identify the best

leverage points for developing digital policy that enables, rather than threatens democracy, culture, safety, and the existential future of planet. Discussions reflected on the challenges of attempting to manage so-called 'intractable' social issues through digital policy as well as the difficulty in trying to isolate digital policy from broader policymaking and policy advocacy initiatives (such as the proliferation of artificial intelligence as a technology versus its impact on labour, misinformation, climate change, national security, and individual safety). Technology and digital policy goals are interdependent with broader contemporary socioeconomic policy goals; effective digital policy must acknowledge and work with this interdependence. Digital policy advocates may be able to gain momentum on advancing their goals of achieving meaningful, robust, and evidence informed policy outcomes by working with partners in portfolios not traditionally engaged with digital or technological policy.

Direction of Travel: From Reactive to Proactive

Participants in the TCIS Digital Policy Forum generally framed 'the government' (sometimes more specifically 'politicians') as an adversary (at worst) and/or ignorant (at best). While there may be good reason or experiences that have led different actors or stakeholders to arrive at these views, it is worth considering whether this is productive for moving towards preferred or ideal outcomes. It may be more productive to assume that most actors in the digital policy ecosystem are wrestling with complex, quickly evolving dynamics and competing demands about what they should do in response. To this end, participants noted in their commentary that the topics covered by digital policy are immense in scale and impact and they, themselves, are often challenged to define or determine appropriate ways to address emerging issues, opportunities, or threats. It may be worthwhile to consider the gap between what is expected of actors in government versus what stakeholders external to government expect from themselves.

Finally, it is worthwhile to reflect on what each actor in a multi-stakeholder environment is responsible for and to whom they may be accountable; deferring all responsibility to 'the government(s)' ignores the agency and ability of all actors to contribute to better or more preferred outcomes in the socioeconomic relationships contained within digital policy. Similarly, expecting 'the government' to defer entirely to private capital, academia, or other actors ignores the responsibilities and realities of democratic socioeconomic stewardship. As noted in earlier discussions in this report, and as emphasized by participants themselves, it seems that the most effective way to address and correct this unproductive cycle is

to pursue proactive relationship building with a broad coalition of both policymakers and cross-sectoral stakeholders.

The Challenges of Foresight in Digital Policymaking

The challenges to effective foresight in policymaking appear particularly visible when it comes to digital governance or digital policy, and any intervention or regulation broadly categorized therein. Jones (2017) argued that "much of the current research and discussion reporting on digital governance attends to the technosphere" (p. 658), seemingly constrained to technical or technological issues and trends. The result is a general failure to address issues in a timely manner or predict which issues are temporary trends. Policymakers struggle to create and implementing productive, relevant, accountable, responsive and adaptive interventions. Jones (2017) argues that the turn towards 'evidence based' policymaking favours statistics over stories and a backward facing approach that assumes everything will proceed linearly forward much the same way as it has in the past. However, in the current era, "the rate of change outpaces the technologists and digital strategists" (p. 660) and there have been many instances where no one, including policymakers, have been able to anticipate or respond to unexpected events, inventions, or innovations.

Compounding the difficulty of effectively forecasting and anticipating new issues is the scope and scale of what should or could be considered under the broad umbrella of digital policy. Betzler & Fluturime (2019) identified and discussed seven 'fields of action' in digital cultural policies, which included: (1) digital skills and entrepreneurial know-how; (2) promotion of young talent; (3) global market positioning and export promotion; (4) cross-sectoral collaboration and partnership; (5) innovative and digital product development; (6) access and visibility; and (7) location promotion and marketing. More broadly, beyond cultural dimensions and as noted by participants in the TCIS Digital Policy Forum, digital policy is often tasked with addressing issues of individual and public safety, national security, education, inclusion, health care, environmental management, capital development and supply chain management, manufacturing and industrial policy, and service delivery. Concerns about technology and its socioeconomic diffusion have become tightly interwoven with every other aspect of public stewardship. However, digital policy is still often treated as a blunt and singular instrument for a specific technology or issue, rather than managed as component of a complex web of priorities, politics, and policy. Further, technological advancements and research on

government use of digital tools encounters translation challenges when mapped onto traditional ideas about accountability and public management within the field of public administration (see Lindquist & Huse, 2017).

The sheer amount of information, access points, technologies, and tasks associated with contemporary policy and public administration continues to grow exponentially (see Dobuzinkskis & Howlett, 2018). Currently, the issue of artificial intelligence represents a strong case study for trend-proofing digital policy. There is significant disagreement among futurists, digital policy experts, technologists, and researchers about whether the current formulation of artificial intelligence is a 'bubble' about to burst or a transformative disruption (that could be either an opportunity or a threat). Public policy has struggled to respond to both real and perceived/'hyped' issues presented by artificial intelligence and other emerging technologies. This is largely because traditional or conventional approaches to portfolios like competition policy have failed to proactively identify the threats associated with rapid digital transformation of markets. Governments continue to struggle to respond with policies that support the benefits and efficiencies of platform ecosystems while containing or minimizing their potential negative impacts (see Wolfe & Mhlanga, 2022).

Policy (In)Coherence

As noted previously, the digital landscape is large. Policy interventions in the field range from decisions about how infrastructure is built to what content is available online in a given jurisdiction (and to whom). There are social, cultural, economic, political, and environmental forces at play across the entire spectrum of digital policy and policymakers are often tasked with generating comprehensive interventions to address complex dynamics that are not easily mapped or isolated. An intervention in one area, like physical infrastructure, may have consequences for other areas, like competition law or social cohesion policy. The resulting patchwork of policies and programming often results in policy incoherence. Policy coherence is not a binary, and actors sometimes use policy incoherence to their advantage to advance their own agendas in the space between conflicting policy goals (Weeden, 2022). Achieving policy coherence "requires structural changes to the way policies are crafted, implemented, and evaluated – ensuring that each actor and relationship in the policy process has clear lines of responsibility, accountability, capacity, and resourcing" (Weeden, 2022, p. 49). Otherwise, "institutions risk falling into a cosmetic level of coherence that is both costly and ineffective" (Moure et al., 2021, p. 1).

Canada's digital policy landscape remains seriously challenged by policy incoherence and cosmetic level attempts to address that incoherence. This is true both internally, in terms of public administration (see Stanton, 2023, Cote & Vu, 2023), as well as in terms of governance of the critical interface between socioeconomic dynamics and digital infrastructure and services (see Geist, 2024; Weeden & Kelly, 2021).

Policy incoherence is "often the result of siloed policymaking processes that fail to integrate cross-sector or cross-portfolio collaboration and cooperation" (Weeden, 2022, p. 392). The result is "less effective and less efficient interventions" produced by "a sort of accidental self-sabotage where lack of coordination across policy agendas and instruments undermines the ability of policy actors to achieve their stated goals (Weeden, 2022, p. 392). Addressing policy incoherence on digital issues requires whole-of-government agenda alignment.

Whose Voice Counts: Challenges to Multi-Stakeholder Governance

Digital policy is a contested field. Depending on an actor's or individual's area of practice, involvement, personal or professional affiliation and stakes, lived experience of marginalization, experience of power dynamics and inequity, and overall orientation to the goals of public stewardship, they will necessarily promote different views and ideas about the critical challenges facing society and any solutions or interventions that might be pursued. When considering the role of multi-stakeholder governance, it is important to reflect on whose voice 'counts', what is considered as 'evidence', and how conflicting or contested views or directives can be managed.

For the sake of transparency, the issue of 'whose voice counts' challenged the TCIS in developing the Digital Policy Forum. The desire to engage 'thought leaders' and to represent a broad range of experiences, expertise, and sub-fields while also keeping participation at a manageable scale for effective facilitation necessitated difficult conversations. It is important to acknowledge that the contestation over what counts as expertise, what counts as evidence, and who gets a say at the table, is ongoing in every sphere of politics and policymaking. This dynamic is a central challenge to designing effective and supportive public policies. Determining what is inside and what is outside the boundaries of policies, how much weight to give any one perspective, and how much influence to give any one stakeholder or actor, are all ongoing conflicts in contemporary policymaking.

Unlike individual businesses or organizations, governments are asked to do something impossible: reflect and represent all interests, all the time. Participant contributions to the TCIS Digital Policy Forum reflect the diversity of interests and perspectives at play, with some arguing for greater deregulation, some arguing for stronger interventions in ensuring competitive markets, some arguing for decentralization of digital policies, and some arguing for greater centralization under a common Ministry or strategy that produces more direct involvement of public institutions. It is difficult to ensure that any policy intervention reflects critical issues of accessibility, affordability, equity, equality, and the achievement of social and economic priorities across diverse stakeholders. Participants in the TCIS Digital Policy Forum indicated frustration that many perspectives, experiences, and expertise on different aspects of technology and digital policy appear to have been left out or to have not been consulted in the development of Canada's current suite of digital policies. Ongoing, genuine multi-stakeholder engagement might help address these conflicts by enabling broader understanding of the challenging balancing act between private and public interests and domains.

Constructive Capacity Building

Participants expressed serious concerns about what is likely to happen if Canadian digital policy continues along its current path – while simultaneously reflecting on how difficult they find it to predict what might happen next year, let alone five years or twenty years down the road. Creating shared, preferred futures requires identifying both the specific details of what that future looks like as well as building the capacity to take tangible steps to produce those results. it is impossible to achieve positive or progressive change if there is no shared idea about what successful change involves and how it might be recognized when it is realized. The absence of such shared goals and understanding results in confusion and conflict, and often produces an 'us vs. them' discourse. Such adversarial dynamics undermine efforts at genuine multistakeholder governance and may, ultimately, result in stunted or failed policy interventions and poor outcomes.

The ability to engage in accurate, meaningful, and helpful foresight planning requires multiple capacities beyond digital literacy or technical expertise (see Jones, 2017). Because digital policy touches nearly every other aspect of socioeconomic policymaking, it cannot be siloed or separated from other policy goals, nor can socioeconomic policy goals ignore their implications or interactions with digital policy. Related to, and embedded within, the issue of policy (in)coherence discussed

previously, it is critical to develop constructive policy capacity that integrates both subject matter expertise related to a given policy portfolio with strong awareness and expertise in the way that policy intersects and interacts with digital policy issues and directives.

Politics versus Policy versus Public Administration

Just as participants noted that there is sometimes tension between political positions and technical insights, there is further tension and misunderstanding regarding how policy is made, by whom, and how it is executed or implemented. This dynamic is not unique to digital policy. Rather, it is the result of broader misunderstandings or confusion, and sometimes misinformation, about how the functions of the various parts of governmental institutions and systems. This confusion creates challenges for effective multi-stakeholder collaboration, contributes to unrealistic or inappropriate demands of policy responses based on private-sector or industry-based assumptions that do not translate to public institutions, and can lead to frustrating experiences for those attempting to influence or support policy change.

It is important to differentiate between 'Big P Politics' and 'small p politics'; the former refers to a given political system, including partisanship and the formal dynamics surrounding the actions of individuals and groups in elected office, while the latter references the interpersonal dynamics and relationships that happen among different people or actors on the micro- or day-to-day level. Big 'P' politics are institutional- or organizational-level; small 'p' politics show up in informal interactions and relationships. The interactions between industry and government happen through both levels of political dynamics, but it is still important to distinguish one from the other, particularly when considering whether to engage in lobbying, activism, or advocacy.

There is also an important distinction between the political functions of government and the administration of public institutions and public policy. In Canada's Westminster model of parliamentary government and federal state, responsibility for legislation is shared among different orders of government (federal, provincial, territorial, and to some extent, municipal) (House of Commons, n.d). To a large extent, elected officials (i.e., those involved in politics) are meant to set the direction and goals of the government, while the civil service (i.e., those responsible for public administration) is meant to recommend and then implement the best possible means of achieving those goals. Problems arise when the line

blurs between these functions. Politicians should rarely be directly involved in the mechanics or operationalization of policy. Some well-founded critique of current Canadian digital policy interventions can be attributed to the dangers of the mechanics of policy being debated in Parliament as a political process, rather than worked out among subject matter experts.[5] Understanding where, and how, to engage with the different relationships within government is critical to effective policy advocacy.

Finally, and most relevant to this report, there is rarely discussion among advocacy groups or between advocacy groups and governments about what, exactly, is meant by the term 'policy'. Without a shared understanding of how policy is created, and why, it is difficult, if not impossible, to arrive at an agreeable outcome.

Policies communicate what is allowed and disallowed, how interventions will be monitored and the consequences for failure to follow or implement directives, connections to other relevant policies, and connections to procedures and practices. 'Good' policy is clear, inclusive, holistic, can be easily followed by those responsible for its or to whom the policy applies, and should be agnostic with regard to technologies.

Participants in the TCIS Digital Policy Forum clearly indicated that Canada's current approach to digital policy fails to meet the markers of 'good' policy. Digital policy has grown to be so complex and all-encompassing that it is often confusing, unequally applied, and increasingly applied to very specific technologies or trends. For example, governance and regulation of artificial intelligence is currently a major issue in many digital policy discussions, but the principles of good governance and policymaking still apply and could help to burst some of the bubble around artificial intelligence that seems to make it difficult for policymakers and technologists, alike, to engage with.

Returning to the principles of good policymaking – identifying the core problem, potential solutions to that problem, and markers for how to recognize whether the problem has been successfully managed or not – may allow digital policy to side-step trends and focus on the governance of competition, infrastructure,

[5] One strong example can be found in recent Parliamentary debates about age verification for access to certain online content. Politicians could and should direct debate about how to support education and safety regarding online content and propose particular objectives and outcomes. Public administrators should and could then work across portfolios and with experts both inside and outside of government to develop the most effective strategies for meeting those objectives. Debating specific technical aspects of policy in the House of Commons has not been productive and has, in the suggestions by TCIS Digital Policy Forum participants, resulted in poor policy outcomes.

service delivery, threats to public safety, and stewardship of the public good. When addressing the opportunities and threats posed by artificial intelligence, as noted by participants in the TCIS Digital Policy Forum, ensuring appropriate oversight of industry and technological development, practicing effective foresight planning, and looking at the power dynamics between the public interest and private capital are all strategies that could produce effective policy interventions. This could support 'invention proof' approaches to digital policy that applies broadly to technology development, rather than requiring governments to react hastily after a new technology has already proliferated dangerously. Working to identify the root causes of digital policy failure or ineffectiveness, as one participant offered, would ensure that reform efforts address core problems rather than chase visible symptoms that only appear after there has been a major failure.

DEVELOPING A ROADMAP FOR CANADA'S DIGITAL FUTURE

Reflecting and responding to the combined insights offered by the input from the TCIS Digital Policy Agenda and the discussion in this report, the following section offers potential recommendations that could be support the development of a Canadian digital policy agenda, as well as recommendations for the TCIS and digital policy advocates to support advancing their preferred policy agenda(s).

Recommendations for Policymakers:

- Establish and commit to convening multiple opportunities for ongoing engagement with stakeholders.
    - o Tangible Actions Could Include:
        - Support the creation and management of topic-area specific working groups and ensure consultations and recommendations from each are aggregated, prioritized, and outcomes are reported back. Coordinate opportunities for cross-collaboration among digital policy working groups or engagement processes. For example, the Multi-Stakeholder Forum on Open Government could serve as a model for other multi-stakeholder consultation mechanisms. As it is already established and generally oriented towards transparency in

government policy, this could serve as the overarching structure for more specific multi-stakeholder working groups or forums on topics like artificial intelligence, intellectual property and Canadian content, etc.

- Recognize and communicate the depth, breadth, and scale of what is being tasked to digital policy initiatives. Communicate the constraints and competing demands of policymaking clearly and transparently.

    - Tangible Actions Could Include:
        - Clearly articulating the opportunities and limitations for government action/intervention (including where and what type of intervention is possible and consequences of de- or underregulating).
        - Collaboratively determining clear boundaries for action by different types of stakeholders (including expectations, responsibilities, and accountability mechanisms for collaborative engagement with actors inside and outside government(s))
        - Review policy agendas to ensure coherence and whole-of-government alignment across the entire suite of digital policy initiatives.

- Consider options for moving digital policy management into a different Ministerial or central agency 'home' by reviewing whether having the CRTC and many digital policies managed under the Heritage umbrella makes sense in the current era.

    - Tangible Actions Could Include:
        - Review substantive content of all current digital policies to determine portfolios, cross-cutting items, and coordination.
- Leverage collaborative knowledge mobilization to support adopting, adapting, and/or applying both existing and emerging best practices.

    - Tangible Actions Could Include:
        - Review and consider alternative regulatory mechanisms based on lessons from past failures and from other jurisdictions (i.e., consider whether the CRTC is meeting the challenges of the day or whether digital policy needs its own oversight body)

        - Continue to support digital capacity and skill building within the civil service.
        - Support technical/digital capacity and skill development among elected officials.
        - Incentivize proactive foresight engagement with experts internal and external to government institutions by demonstrating how/in what way knowledge and expertise is being applied and to whose benefit.

- Approach digital policy as an integral part of broader socioeconomic policy goals.

    o Tangible Actions Could Include:
        - Developing mechanisms for conducting impact assessments of digital policy on other policy priorities and vice versa.

Recommendations for the Canadian Internet Society:

- Continue pursuing proactive policy advocacy and position TCIS as a pre-eminent source of positive, constructive influence toward what is desired from digital policy.
- Consider prioritizing 2-3 strategic areas of policy advocacy as an annual or quarterly focus for targeted campaigns.
- Pursue opportunities to support building coalitions and cross-sectoral collaboration on key advocacy areas.
- Prioritize developing relationships with partners *inside* government policymaking that support collaboration and knowledge mobilization (differentiated from lobbying[6]), particularly at the administrative level, in addition to political engagement.

[6] While lobbying is not, inherently, negative, it is a particular relationship to policymaking that should be pursued thoughtfully. In simple terms, anything that is done to try to influence a decision by policymakers is considered lobbying. Lobbying is specific to influencing government decisions or to gain political influence; it is, necessarily, governed by specific rules and laws. Lobbying is most effective when targeting *specific* legislation. Advocacy, however, encompasses a wide range of activities and relationships that are designed to both influence public opinion *and* public policy. Advocacy offers the opportunity for greater proactive engagement, relationship and coalition building, and broader collaboration towards the shared goals of many different stakeholders. (See Jessani et al., 2022 for a discussion on how different interpretations of advocacy, lobbying, and activism result in conflicting and contested approaches by experts as they seek to build relationships with governments and support knowledge mobilization for public policy.)

- Explore opportunities for civic education among digital policy advocates (e.g., ‘policy 101’ workshops or opportunities to learn from civil servants about how the policy process moves through government; this could facilitate stronger opportunities for collaboration as well as foster better understanding of how, when, and in what way to best engage in the policy process)

Recommendations for Digital Policy Advocates at Large:

- Look for and leverage opportunities to work *with* or *alongside* other policy advocacy initiatives.
- Consider opportunities for proactive engagement with governments across jurisdictions
- Reflect, identify, and map desired roles for different types of actors within the digital policy landscape to support multi-stakeholder engagement.
- Reflect, explore, and build new narratives regarding the relationship between technologists/digital expertise and policymakers.

APPENDIX A: WORKING SESSION 1 MAPPING THE CURRENT STATE OF DIGITAL POLICY ISSUES

Infrastructure

Issues

The major issues identified by the 'Infrastructure' working group can be broadly grouped under four key themes: (1) defining digital infrastructure; (2) inequity/unequal access; (3) ownership; and (4) quality and capacity.

Issues related to infrastructure were identified as follows:

- Limits of sovereignty
- e-Commerce
- Dominance
- Search
- Advertising technology
- Diverse technologies to take advantage of the Internet
- Magical thinking – technological silver bullets • Encryption standards and requests for 'snooping'
- How do we define digital infrastructure?
- Re-emergence of nation states in Internet governance
- Capacity of communities to interact with these issues
- Ownership of content sources by content creators
- Digital divide persists in rural, northern, and remote communities
- The Robellus oligopoly
- Enshitification & degradation of value over time
- Open source succession strategy
- Lack of competition in rural areas leads to price gouging on backhaul
- Urban digital divide
- ROI driven market analysis
- Spectrum not available to smaller players
- Domestic ownership concerns
- Competing funding programs
- Lack of knowledge of actual services available
- Blockchain
- How do you find things?

Actors

The list of actors/organizations/institutions with a role to play in digital infrastructure, as generated by this working session, included:

- Canadian Radio-television and Telecommunications Commission (CRTC)
- Telecommunications Providers/Companies
- Network Operators
- Content Creators and Gatekeepers
- Innovation, Science and Economic Development Canada (ISED)
- Rural Providers (*over 200 in Canda)
- Open Source Software Teams
- Canadian Internet Registration Authority (CIRA)
- Internet Corporation for Assigned Names and Numbers (ICANN)
- Competition Bureau
- Policy Infrastructure
- Municipalities/Local Governments (in communities)
- Multi-Stakeholder Model Organizations

Opportunities

Opportunities for strengthening digital infrastructure identified by this working group can be broadly categorized under two themes: (1) capacity building; and (2) strengthening and streamlining infrastructure management.

Opportunities for strengthening digital infrastructure identified by this working group are as follows:

- New models to support independent content and journalism
- Artificial intelligence: both threat and opportunity
- Proliferation of private, public infrastructure providers
- Ability to build and include supports for schools and communities when building out infrastructure – devices, hubs, Wi-Fi, etc.
- Stronger competition law powers
- Opportunity to level skills that have been held by relatively few
- Open networks (OPEN RAN, etc.)
- Open banking
- Re-emergence of nation-states in Internet governance
- An expert body analyzing digital issues
- Better mapping of available services
- Single national broadband policy
- Single regulator of infrastructure – Rights of Way, Spectrum, Poles
- The future of search
- Genuine multi-stakeholderism

- People are paying attention to these issues

Threats

The threats to digital infrastructure identified by this working group can be broadly categorized under three key themes: (1) reliance on market delivery; (2) inequity; (3) corruption or co-optation of infrastructure governance.

The threats to digital infrastructure identified by this working group are as follows:

- Social systems – missing in infrastructure discussion?
- Hostile state actors
- Cyber criminals have resources beyond enforcement
- Future of multi-stakeholder for a
- Re-assertion of state power in Internet infrastructure
- Financial support for infrastructure
- Continuing to ignore the digital divide by relying on market delivery
- Jurisdiction shopping
- The temptation to control/censor capabilities in place for public safety benefits
- Holding remote access hostage to reduce urban competition
- ROI driven market players
- That little thing called artificial intelligence
- Social isolation
- Co-optation of "multistakeholder"
- Unequal social and economic opportunities

Culture

Issues

Issues related to culture[7] were identified as follows:

- Privacy
- Labour and future of workers
- Democratic participation
- Canadian culture
- Access to information
- Freedom of expression
- Multiculturalism
- Public interest perspectives losing ground in the face of neo-liberalism

[7] Broadly considered as dynamics around content, safety, communities, reconciliation, and other social relationships.

Actors

The list of actors/organizations/institutions with a role to play in the cultural dynamics of digital policy, as generated by this working session, included:
Canadian Radio-television and Telecommunications Commission (CRTC)

- OpenMedia
- Canadian Internet Policy and Public Interest Clinic (CIPPIC)
- Public Interest Advocacy Centre (PIAC)
- Canadian Civil Liberties Association (CCLA)
- Privacy Regulators
- Canadian Bar Association
- Accessibility Groups
- Internet Governance Forum
- Canadian Internet Society

Opportunities

Opportunities offered by cultural considerations of digital policy were identified as follows:
Privacy and artificial intelligence law can protect Canadians

- Disability justice and accessible design
- Redundancy in service delivery/pluralism and optionality in how to get services
- Data and digital sovereignty re: treaties and reconciliation

Threats

Threats to cultural aspects of digital policy were identified as follows:

- Internet access
- Digital divide
- Everyone thinks they speak for the public interest
- Bad-faith politicization of public policy issues
- Sustainability and funding
- Generative artificial intelligence improper use and inappropriate results – bad for human rights
- Less participation

Legislation & Regulation

Issues

The major issues identified by the 'Legislation & Regulation' working group can be broadly grouped under three key themes: (1) attempting to track intractable issues through digital regulation of platforms (i.e., attempting to solve larger social policy issues via digital policy); (2) extractive goals (i.e., taking profits from one sector to give to another); and (3) copyright/ownership and emergence of artificial intelligence.

Issues related to regulation and legislation were identified as follows:

- Government looking to get funding for initiatives from technology companies
- Online streaming act declared that everything Internet related would be broadcasting and therefore regulatable. This might be a lost fight, but it is an important issue
- Issue of cybercrime and protecting Canadians from online fraud - $6 billion lost to online fraud (more focus on car theft which is wayyyy less damaging)
- Bill S210 and age verification
- C11 – online streaming
- Freedom of expression is being regulated online in Canada
- C26 – online security
- C63 – online harms
- C18 – online news
- C26 – bills on digital sales tax
- Provincial regulations – BC and Ontario
- Question: is this a problem of politicians or public servants?
- Seeing a lot of discussion on the front of artificial intelligence – less focused, but happening
- Copyright regulation issues as well
- Lots of more regulation attempts on intractable issues like artificial intelligence, protecting children, etc.

Actors

The list of actors/organizations/institutions with a role to play in legislation and regulation of digital portfolios, as generated by this working session, included:

- Politicians (individual + political parties)
- Federal Government Ministries
- Provincial Governments
- Private Sector

- Civil Society
- Legislation and regulations being shaped by special interests and political considerations, not experts. Issues like online privacy without strong special interests seem to die.
- Policy and Government
- Concern that lobbyists are calling the shots, not policymakers
- Little focus on digital issues at provincial level
- Policy driven by political choice and dynamics, not expert advice
- On privacy, there are no obvious proponents
- Bills that don't go anywhere have no political gains to be had – like getting media world in line, or Quebec culture sector in line
- Perception of very little understanding and institutional knowledge while developing policy on key issues
- Also thoughts that there are some strong people in government
- S10 is being driven by social conservatives
- Recipients of funding of extractive policy are biggest proponents

Opportunities

Opportunities in legislation and regulation were identified as follows:

- How do we introduce the issue of competition issues and how regulation influences incumbent power
- Focus more on the issue of online fraud and cybersecurity
- Online fraud is also something that could connect with people
- But no industry sectors protecting victims of cybercrime

Threats

Threats connected to regulation and legislation were identified as follows:

- Bill S210 and age verification
- C26 – online security
- Provincial regulations – BC and Ontario
- C11 – online streaming
- C26 – bills on digital sales tax
- C18 – online news
- C63 – online harms

Foresight

Issues

Issues related to supporting effective foresight[8] in digital policy were identified as follows:

- Responsibility (if any) of online ecosystem to news production
- Need for ongoing, non-partisan, quality education sessions for politicians (and decision makers) – e.g., future scans, where artificial intelligence is going
- Artificial intelligence powered misinformation
- Fast moving, emergent context
- Artificial intelligence powered consumer/voter micro targeting
- The lack of technical understanding of implications of digital policy
- Lobbying as the source of learning for decision makers
- The lack of technical understanding of politicians, who often act with good intentions, but insufficient knowledge
- Need focus not online on the policy/reg/law but on how its executed
- Seeming inability to capture lessons learned from previous efforts or other jurisdictions
- Related to inability to learn – political need to be first rather than adopt proven best practices
- With emerging technologies, lacking the capacity to understand potential impact on society

Actors

The list of actors/organizations/institutions with a role to play in supporting effective foresight in digital policy, as generated by this working session, included:

- Large Technology Companies & Platforms
- Artificial Intelligence Companies
- Small Enterprises
- Canadian Civil Society Groups
- Canadian Heritage
- Provincial Governments
- ISED
- Federal Political Parties
- Global Digital Rights/Civil Society Groups
- Youth

[8] Broadly considered as the process of identifying and anticipating future issues, moving evidence/knowledge into policy, and other processes or dynamics related to developing proactive digital policy.

- Stakeholders in the Flourishing of French in North America
- Academia
- Research Community
- Indigenous Communities
- Canadian Citizens and Residents

Opportunities

Opportunities to support foresight in digital policy were identified as follows:

- Opportunity to provide ongoing, non-partisan, quality education sessions for politicians
  (and decision makers) – e.g., future scans, where artificial intelligence is going
- Great work being done to understand where artificial intelligence is heading by some organizations, CISOC could be helpful in this
- New competition laws in Canada – potentially enable different study or regulation of anti-consumer practices
- Opportunity to have youth folded into digital policy discussions
- Learn from other jurisdictions on how not only to build new policies but more importantly how to implement/execute them
- Learning from US/DSA

Threats

Threats to foresight for digital policy were identified as follows:

- Not enough youth engagement in the broader digital policy/Internet policy ecosystem
- News is teetering between collapse and being dependent on an opaque web of government funds
- The worse misinformation problem gets, the harder it is to discuss or improve
- Easy political answers are typically very damaging, power grabs, don't improve their issue
- Difficult to anticipate the impacts of artificial intelligence, when they are likely to be massive – few organizations can
- Artificial intelligence may become a (non intelligent) 'participant' in discourse – writing arguments for bad actors

Integration

Issues

Issues related to digital integration[9] were identified as follows:

- Artificial generative intelligence in 2-15 yeas
- Main issue any time government addresses issues, they do without understanding (ex. Bill S-210)
- Feels like that's eroding with new legislation

Actors

The list of actors/organizations/institutions with a role to play in legislation and regulation of digital portfolios, as generated by this working session, included:

- Government(s)
- Civil Society Groups

Opportunities

Opportunities to support integration through digital policy were identified as follows:

Stakeholders should be holding government to account

- Specific knowledge areas: Internet components/who controls what?/trust and security
- Mandatory education on how the Internet works (the Internet Way of Networking) to government decision makers
- Making it mandatory to perform Impact Assessments as part of policy development

Threats

Threats to digital integration were identified as follows:

- Multistakeholder environments can be unfocused but still provide forum discussion
- Government needs to understand the fundamentals better

[9] Broadly considered as issues related to digitalization, service delivery, interoperability, and the ways that technology is used and integrated into socio-economic and political life.

APPENDIX B: WORKING SESSION 2 – HOW DID WE GET HERE? GHOSTS OF TRENDS PAST

Infrastructure

Selected 'Failure'/Problem: Connecting Canadians/ Ineffective Infrastructure Funding Programs/Industry Management for Addressing the Digital Divide(s)

Root Causes

- Insufficient investment in fibre infrastructure, particularly in rural and Indigenous communities
- Lack of competition in the telecommunications infrastructure and services
- Market dominance and decision making
- Insufficient competition law
- National security and public safety issues/interests
- Misunderstanding of position as small open economy and cherry-picking international approaches
- Decentralized Internet not compatible with centralized government decision making
- International influence – reduced sovereignty and decision making
- Insufficient supporting legislative and regulatory frameworks
- Protectionist legislation
- Digital policy as political wedge
- For the Next G Alliance, Rogers is not part of this nor are civil society organizations. Part of this is encroachment of Americans on Canadian wireless processes
- Eligibility limited to pensioners and CCB programs opposed to greater diversity
- Infrastructure ought to be flipped to private sectors, however, SuperNet was sold to Bell which it could have helped with a competitor or to build Shaw's capacity so that it wasn't bought by Rogers

Implications/Lessons Learned

- Rural areas used as bargaining for urban competition
- Entrenched oligopoly
- Didn't enable foreign investment and reseller market
- MVNOs needing facilities to benefit
- Poles
- Cyber attacks on under-resourced groups
- Digital divide persists
- Poor quality of service

- Hexagons marked as done
- ARPU as measurement tool
- Provincial privatization of broadband/telecom (e.g., privatizing Alberta SuperNet)
- Low usage of social tariff program (Connecting Families)
- Not all companies and universities equal contributors in industry alliance groups (e.g. Next G Alliance) • S210
- Reactive policies
- "In the coming days" – UBF
- Poor communication between stakeholders and public
- Reduced resiliency in digital infrastructure
- Crypto, NFTs, blockchain 'overhyped'
- Increased attempts to control digital infrastructure by the state

Culture

Selected 'Failure'/Problem: C-18 Online News Act

Root Causes

- False premise of the cause of the news industry's crisis
- Lack of transparency on data on net value exchange
- Willful ignorance to platform business models
- Lack of competition enforcement
- Politics not policy
- Canada is small and inconsequential to global platforms
- Industry not consulted
- Us-versus-them platforms are bad orientation

Implications/Lessons Learned

- Uphill battle for Canada engaging with companies in the United States
- You can't entirely ignore one group of stakeholders on an issue
- If your policies are driven by a small group of stakeholders, you won't come up with something good/satisfying

Legislation & Regulation

Selected 'Failure'/Problem: C-18 Online News Act

Root Causes

- Influence of entrenched interests
- Animus to “big tech”
- Ads $$$ follow eyeballs, eyeballs went elsewhere
- Nobody speaks for the Canadian public
- News media misread the situation because the marching orders from on high was this is good for us
- Canadian content creators needed funding from opposition to go to hearings and then got disregarded by government
- C-11 and C-18 point to a culture of tone-deafness[10]
- People who spoke up as experts had skin in the game, not necessarily in Internet’s favor. Traditional media shaped opinion and shaped government policy as a special interest
- Organizations that you expect to stimulate a fair share of ideas had a thumb on the scale
- Inclination from government that they can control a “Canadian Internet”
- This was handled by Canadian Heritage, not by the traditional digital ministry. They were trying to apply old techniques to a new ecosystem that they didn’t seem to understand.
- Seen a lot of governments lurching towards goals without understanding ecosystem and incentives that impact them
- There was a view that big platforms were stealing the news
- News is not valuable to Facebook’s bottom line, and the government miscalculated
- Experts who say the answer is simple are more likely to be listened to that those offering nuanced unsupportive answers
- Netflix model of the CBC?
- Process for C-18 came out of nowhere and there wasn’t a long process with consultation unlike now with online harms act

Implications/Lessons Learned

- Fragmentation issues – blocking and leaving the market
- Government and Heritage have had an ‘oh shit’ moment
- Disrupting the small players and making it hell for them
- Polarization and politicization are not helping these debates
- A Ministry of the Internet wouldn’t be too bad (less Orweillian name)
- Canadian Heritage cannot be the regulator of the Internet
- Can we turn traditional media like CBC into a digital focused ally

[10] Note that this is the text as it appears in the participant-generated Mira board. ‘Tone-deafness’ is, however, ableist language and the message would be better communicated with different language.

- There's a need for a transparent public discussion about these issues, especially on news
- The root of C-18 came from advertising troubles, and loss of visibility. For instance, CBC is doing ads in their podcasts – taking away from smaller competitors. Can we get to the root of the issue (like advertising) rather than tackling symptoms?
- There may be a need to educate these policymakers in Chatham House Rule spaces where they can get up to speed on the impacts of regulations

Foresight

Selected 'Failure'/Problem: Monopolistic patterns in Canada across industries related to digital policy (e.g. telco, broadcasting, search, cloud, artificial intelligence…)

Root Causes

- Telecommunications has its roots in necessarily large providers responsible for high fixed cost investments over large geographic area
- Market economics in Canada can lean towards fewer larger players
- FedGov would have to want to solve the problem
- Lack of incentives to fix the problem
- Telco pattern replicating in cloud infrastructure providers
- Regulators missing the unification of telecom and broadcasting
- Oligopoly patterns have played out in access layers, and further along the stack (abusing the term)
- Internet not able to disentangle power from physical infrastructure
- Vertical integration is worsening the situation
- Global challenges require global collaboration
- Underestimating that we're dealing with a very different kind of artificial intelligence in a very short amount of time (curve is very steep – both adoption and innovation/development)

Implications/Lessons Learned

- Higher consumer prices
- Lack of access to resources
- If people don't have access to these resources, how are we even doing digital transformation
- E.g. C-18, love it or hate it, we're dealing with global players
- Canada is operating at the edge of our sovereignty, but the problem being global is a pro/con

- Need investment but unable to due to austerity we find ourselves in
- Value proposition of digitalization haven't necessarily played out (e.g. drug trials)
- So threats are increasing exponentially WHILE the gap is widening between where we are and where we need to be with digital policy (and so many other areas), in an environment of deeply insufficient investment
- What are the potential sources of innovation/competition/value for citizens? Avoiding cargo cults
- We have deep incentive problems (not necessarily knowledge problems)

Integration

Selected 'Failure'/Problem: Application/Execution of Technology via Policy

Root Causes

- Ongoing support is a big issue
- Lack of support for digital adoption and skill building
- Siloed data
- Failure to do adequate testing
- Missing national approach to digital economy
- Lack of futureproofing
- Wrong people at the table, no overall top down vision for the Internet eta
- Accessibility and user interfaces not matching all types of users
- Digital inclusion can backslide

Implications/Lessons Learned

- Individuals and groups fall further behind due to digital skills gaps
- "Build and they will come" is not sufficient
- Some of the legislation that will lead to application, lack of institutional knowledge, right people aren't at the table, same people

APPENDIX C: WORKING SESSION 3 – FUTURE POSSIBILITIES: 'WHERE TO' FROM HERE

Now (Present to 10 Years)

The working group tasked with identifying the likely versus preferred direction over the next decade produced the following items:

Probable Futures

- Declining economic competitiveness
- Declining living standards
- Decline of democratic societies
- Global destabilization (including possibility of war involving China and Taiwan, disrupting global economy, chip manufacturing)
- Threat of democratic dysfunction in the United States
- New digital bodies (e.g. Digital Safety Commissioner, Data Protection & Privacy Tribunal)
- Income transfers for politically-favored groups
- Technology development continues to outpace Canadian regulation
- Implementation of regulations (i.e., C-18, C-11, C-26)
- Consequences of regulations
- Reduced interoperability, resilience, security
- Failure of trust, lack of trusted information sources
- Balkanization of the Internet
- Retaliation/exit of services from other countries, technology companies, courts
- Most Internet content not produced by humans
- Talent/brain drain
- Human extinction from rogue artificial intelligence

Preferable Futures

- Better framework around digital policies for artificial intelligence and censorship
- Canada invests and becomes a leader in reliably safe artificial intelligence
- Better digital literacy, more constructive conversations
- More open data
- More, cheaper telecommunications options
- Platform legislation mandates giving people choices, not restricting them
- Policies don't rely on income redistribution from global players, don't hitch success to companies

- Competitive, innovation, creation, resilience, security
- Canadian industrial/commercialization strategy to capitalize on startup culture and Canadian talent
- More flexibility and resilience for disruptions
- Need more holistic digital policy approach and implementation
- Need government not to view digital issues through a cultural sovereignty lens
- Shift regime to harness innovation
- Seize opportunities for Canadian creators in global community
- Canada develops and champions workable international cooperation solutions to manage global scale technology developments
- Role for government shifts in digital policy landscape

Near Future (10 to 25 Years)

The working group tasked with identifying the likely versus preferred direction in the horizon ten to twenty-five years from now produced the following items:

Probable Futures

- Quantum computing breaks traditional encryption
- Further consolidation, worsening of oligopoly structures
- More concentrated market than it already is
- No robust competition
- Artificial intelligence compromises functioning of all democracies
- Backsliding in digital sovereignty
- Vast economic disruption and severe economic inequality
- Most communication is top-down from government or organization to supporters, not open channel to Internet or public
- Increasing significance of the CRTC in Internet policy
- Legislated drafting is 'gamed' and perverted to include weaknesses/back-doors by artificial intelligence agents[11]

Preferable Futures

- Strong collaboration and info-sharing between functional democracies on regulating technology
- International expert networks and organizations drive technical development of widely disruptive technology
- More deliberate investment in Canadian Intellectual Property
- Canada has pushed back against global forces in the past, can do it again

[11] This contribution specifically noted Bruce Schneier as a source to consider on this issue.

- Give ourselves permission to be innovative
- Disintermediation of dominant firms at different layers (telecommunications, infrastructure, discovery)
- Strong competition laws create effective choice and competition for consumers, even in monopolistic markets
- Developing technologies that reduce our consumption of power
- The CRTC is replaced by a 21st century regulatory
- How do we bring innovation policy to future pandemics (ventilation?), climate tech (real support?), how is miliary being retooled to support climate crisis
- So much technology is consumer-focused – what does collective technology look like? How can we develop for institutional use? Can we bring more subject matter experts into the development of contextually relevant technology?
- More robust competition policy/end the oligopolies
- Reduced significance of the CRTC in Internet policy
- Expanding the reach of our regulatory "sandbox" in partnership with international peers

Far Future (25+ Years)

The working group tasked with identifying the likely versus preferred direction in the horizon beyond twenty-five years from now produced the following items:

<u>Probable Futures</u>

- Big technology players unaccountable for impacts of their development
- Stuck in a 'doom loop' of worsening competition, high prices, declining innovation
- More flight of capital and talent
- Poor levels of 'connectivity literacy' where people do not feel empowered in discussing their *actual* Internet needs
- Market domination by a few companies
- Guessing at the impact of emergent technologies
- Canada is a 'tagalong' with our digital policy created by others
- Digital 'Iron Curtain' between the 'West' and others
- Forced to choose between a Canadian Internet or being on the global Internet
- Artificial intelligence proliferation widely distributes mass casualty or disruption tools
- Human extinction from rogue artificial intelligence
- Create more systems that are harder and harder to control
- Machine dominance
- We don't make it to 25 years, we could face a singularity in 5-10 years
- Dissolution of some or many nation-states, either less necessary or unable to function

Preferable Futures

- Carrots for doing the good stuff
- New Communications Act for Canada
- Established and sustainable public consultation processes with a plethora of stakeholder groups
- Government develops functional post-artificial intelligence means for consulting public
- Well regulated artificial intelligence agents make most people's lives substantially better
- Will need to determine how/which bodies to use for global collaboration
- Artificial intelligence reduces scarcity and enhances fairness of distribution of resources
- Limiting our scope could allow us to have greater impact
- Trying to lead in too many areas weakens our efforts (e.g., Canada will lead G7 next year)
- Market the consultation and research efforts, increase reach
- We're investing in marketing, need the substance behind it
- Invest heavily in research and consultation on these issues (vs. jumping in and regulating)
- Efforts to establish 'Connectivity Literacy' within broader consumer structures and media (and artificial intelligence) literacy programs
- Influential middle power
- Punch above our weight
- Introduce real competition
- Whole of our system needs a rethink
- We innovate, but we need to deploy new innovations we develop (where currently we lag behind)
- Increasing space for provinces in publicly owned infrastructure
- Examine role of government in modern infrastructure
- Robust legislation around infrastructure "anchor points"

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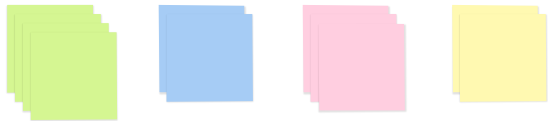
Group 1 - Infrastructure

Identify all the issues associated with digital infrastructure, the actors/organizations/institutions that have a role, opportunities that could be pursued and threats if issues are not dealt with...

Stickies



Voting Dots

Use the 'stickies' to write down your contributions, and you can use the 'voting dots' to indicate support for someone else's 'sticky'

Issues

- Re-emergence of nation states in internet governance
- Capacity of communities to interact with these issues
- Domestic Ownership Concerns
- Limits of Sovereignty
- How do we define digital infrastructure ?
- Encryption Standards and requests for "snooping"
- Ownership of content sources by ciontent carriers
- Lack of competition in Rural areas leads to price gouging on Backhaul
- Spectrum not available to smaller players
- Competing Funding Programs
- eCommerce
- Dominance
- Diverse technologies to take advantage of the internet
- Digital divide persists in Rural, northern and remote communities continue
- The Robellus oligopoly
- Urban digital divide
- ROI driven market players
- Lack of knowledge of actual services available
- Advertising Technology
- Search
- Magical thinking -- technological silver bullets
- Enshittification & depreciation of value over time
- Open source succession strategy
- How do you find things?
- Blockchain

Actors/Organizations Involved

- CRTC
- Telco's
- Network operators
- Content creators and gatekeepers
- ISED
- Cloud Computing Providers
- Education of citizens on internet policy
- Communication Platforms
- Rural Providers (over 200 in Canada)
- Open Source Software Teams
- CIRA & ICANN & other operators
- Competition Bureau
- Policy Infarstructure
- Devices (Broadly)
- Cloudflare et al
- Municipalities /local government in communities
- Multistakeholder Model Organizations

Opportunities

- Re-emergence of nation states in internet governance
- Opportunity to level skills that have been held by relatively few
- New models to support independent content and journalism
- AI: both threat and opportunity
- Proliferation of private, public infra providers
- Open networks (OPEN RAN, etc.)
- Open Banking
- An Expert Body analysing Digital issues
- Better mapping of available services
- Ability to build and include supports for schools and communities when building out infrastructure - devices, hubs, wifi etc
- Stronger Competition Law Powers
- People are paying attention to these issues
- Economic Success for innovative solutions
- Political Attention (e.g. C-26)
- Single Regulator of Infrastructure - Rights of Way, Spectrum, Poles)
- Single National Broadband Policy
- New Models of Discovery
- The future of search
- Geuine multistake holderism

Threats

- School systems -- missing in infrastructure discussion?
- continuing to ignore the digital divide by relying on market delivery
- Financial support for infrastructure
- Jurisdiction shopping
- Holding remote access hostage to reduce urban competition
- ROI driven market players
- Hostile State Actors
- Cyber Criminals have resources beyond Enforcement
- Unequal economic & social opportunities
- The temptation to put CONTROL / CENSOR capabilities in place for public safety benefits
- that little thing called AI
- Social Isolation
- Future of multistakeholder fora
- Re-assertion of state power in internet infrastructure
- Co-option of "multistake holder"

Need help?
Move the sticky to the side ➡️ and help will come

Move me away!

Group 4 - Culture

Identify all the issues associated with cuture (content, safety, communities, reconciliation), the actors/ organizations/institutions that have a role, opportunities that could be pursued and threats if issues are not dealt with...

Stickies

Voting Dots

Use the 'stickies' to write down your contributions, and you can use the 'voting dots' to indicate support for someone else's 'sticky'

Issues (Include Time Horizon)

- Privacy
- labour and future of workers
- Access to information
- Freedom of expression
- Multiculturalism
- democratic participation
- Canadian culture
- Public interest perspectives losing ground in the face of neo-liberalism

Actors/Organizations Involved

- OpenMedia
- CIPPIC
- CRTC
- Canadian Internet Society
- Canadian Bar Association
- Privacy regulators
- PIAC
- Internet governance forum
- CCLA
- Accessibility groups

Opportunities

- Privacy & AI Law can protect Canadians
- disability justice and accessible design
- data and digit sovereignty re: treaties and reconciliation
- redundancy in service delivery/pluralism and optionality in how to get services

Threats

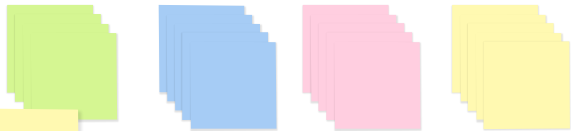
- Sustainability & funding
- Gen AI improper data use and inappropriate results - bad for human rights
- internet access
- Digital Divide
- Bad-faith politicization of public policy issues
- less participation
- Everyone thinks they speak for the public interest

Need help?
Move the sticky to the side ➡️ and help will come

Group 2 - Regulation & Legislation

Identify all the issues associated with regulations & legislation (safety, access, governance) for digital/technology, the actors/ organizations/institutions that have a role, opportunities that cou pursued and threats if issu dealt with...

Stickies



Support Dots

Use the 'stickies' to write down your contributions (you can 'copy paste' or 'drag and place', and you can use the 'support dots' to indicate support for someone else's 'sticky'

Three general trends in legislation and regulation:
1) Attempting to tack intractible issues through digital regulation of platforms (child safety)
2) Extractive goals, taking profits from one sector to give to another.
3) Copyrights and AI

Happening at both federal and provincial level, with impacts/threats for the overall internet.

Issues (Include Time Horizon)

Question: Is this a problem of politicians or public servants?

Government looking to get funding for initiatives from tech companies

Online streaming act declared that everything internet related would be broadcasting and therefore regulatable. This maight be a lost fight, but is an important issue.

Freedom of expression is being regulated online in Canada.

C26 - online security

C26 - bills on digital sales tax

Seeing a lot of discussion on the front of AI - less focused but happening

Issue of cybercrime and protecting canadians from online fraud

6bn dollars lost to online fraud (more focus on car theft which is wayyyy less damaging)

Bill S210 and age verification

C11 - online streaming

C63 - online harms

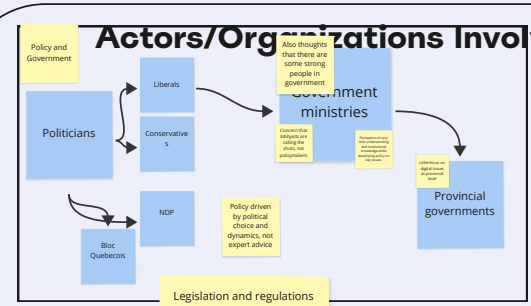
C18 - online news

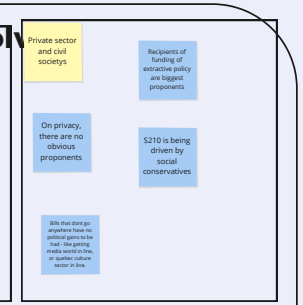
Provincial regulations - BC and Ontario

Copyright regulation issues as well

Lots of more regulation attempts on intractable issues like AI, protecting children, etc.

Actors/Organizations Involv





Legislation and regulations being shaped by special interests and political considerations, not experts.

Issues, like online privacy, without strong special interests seem to die.

Opportunities

How do we introduce the issue of competition issues and how regulation influences incumbent power.

Focus more on the issue of online fraud and cybersecurity.

Online fraud is also something that could connect with people.

But no industry sectors protecting victims of cybercrime.

Threats

Provincial regulations - BC and Ontario

Bill S210 and age verification

C26 - online security

C11 - online streaming

C63 - online harms

C26 - bills on digital sales tax

C18 - online news

Need help?
Move the sticky to the side ➡️ and help will come

Move me away!

Group 3 - Foresight & Evidence/Knowledge Mobilization

Stickies

Voting Dots

Identify all the issues associated with foresight and moving evidence/ knowledge into digital policy, the actors/organizations/institutions that have a role, opportunities that could be pursued and threats if issues are not dealt with...

Use the 'stickies' to write down your contributions, and you can use the 'voting dots' to indicate support for someone else's 'sticky'

Issues (Include Time Horizon)

- Responsibility (if any) of online ecosystem to news production
- Need for ongoing, non-partisan, quality education sessions for politicians (and decision makers) - eg, future scans, where is AI going
- The lack of technical understanding of implications of digital policy
- The lack of technical understanding of politicians, who often act with good intentions, but insufficient knowledge
- With emerging technologies, lacking the capacity to understand potential impact on society
- Lobbying as the source of learning for decision makers
- Need focus not only on the policy/reg/law but on how it's executed
- Seeming inability to capture lessons learned from previous efforts or other jurisdictions
- Related to inability to learn -- political need to be first rather than adopt proven best practices
- Fast moving, emergent context
- AI-powered misinformation
- AI-powered consumer/voter micro targeting

Actors/Organizations Involved

- Large tech companies & platforms
- AI companies
- Canadian civil society groups
- Global digital rights civil society groups
- Canadian citizens and residents
- youth
- Stakeholders in the flourishing of French in North America
- Indigenous communitties
- small enterprizes
- Canadian Heritage
- Federal political parties
- Provincial Governments
- ISED
- Politicians
- Academia
- Research Community

Opportunities

- Opportunity to provide ongoing, non-partisan, quality education sessions for politicians (and decision makers) - eg, future scans, where is AI going
- Great work being done to understand where AI is heading by some organizations, CISOC could be helpful in this
- Opportunity to have youth folded into digital policy discussions
- Learn from other jurisdictions on how not only to build new policies but more importantly how to implement/execute them
- Learning from EU/DSA
- New competition laws in Canada - potentially enable different study or regulation of anti-consumer practices

Threats

- The worse misinfo problem gets, the harder it is to discuss or improve
- News is teetering between collapse and being dependent on an opaque web of government funds
- Difficult to anticipate the impacts of AI, when they are likely to be massive. Few organizations can.
- AI may become a (non-intelligent) 'participant' in discourse - writing arguments for bad actors
- Not enough youth engagement in the broader digital policy/internet policy ecosystem
- Easy political answers are typically very damaging; power grabs, don't improve their issue

Need help?
Move the sticky to the side ➡️ and help will come

MoveIn a me away!

Group 5 - Integration

Identify all the issues associated digital integration (digitalization, service delivery, interoperability), the actors/ organizations/institutions that have a role, opportunities that could be pursued and threats if issues are not dealt with...

Stickies

Voting Dots

Use the 'stickies' to write down your contributions, and you can use the 'voting dots' to indicate support for someone else's 'sticky'

Issues (Include Time Horizon)

AGI in 2-15 years - Duncan

Main issue any time gov't addresses issues, they do so without understanding- Natalie Campbell for ex: Bill S-210

Feels like that' eroding, with new legislation

Actors/Organizations Involved

Government while there are other challenges, Doing well; listening to strategies to effect infrastructure

Civil groups popping up to address various concerns.- Steve

Opportunities

Specific knowledhge areas: Internet components/ who controls what?/ trust and security

Stakeholders should be holding govt to account - Natalie

Mandatory education on how the Internet works (the Internet Way of Networking) to gov decisionmakers

Making it mandatory to perform Internet Impact Assessments as part of policy development

Threats

Gov't needs to understand the fundamentals better - Natalie

Multistaker evinrontments can be unfocused, but still proive forum discussion-

Need help?
Move the sticky to the side ➡️ and help will come

Move me away!

GROUP 1: INFRASTRUCTURE

EXTRA STICKIES

Support/Endorsement

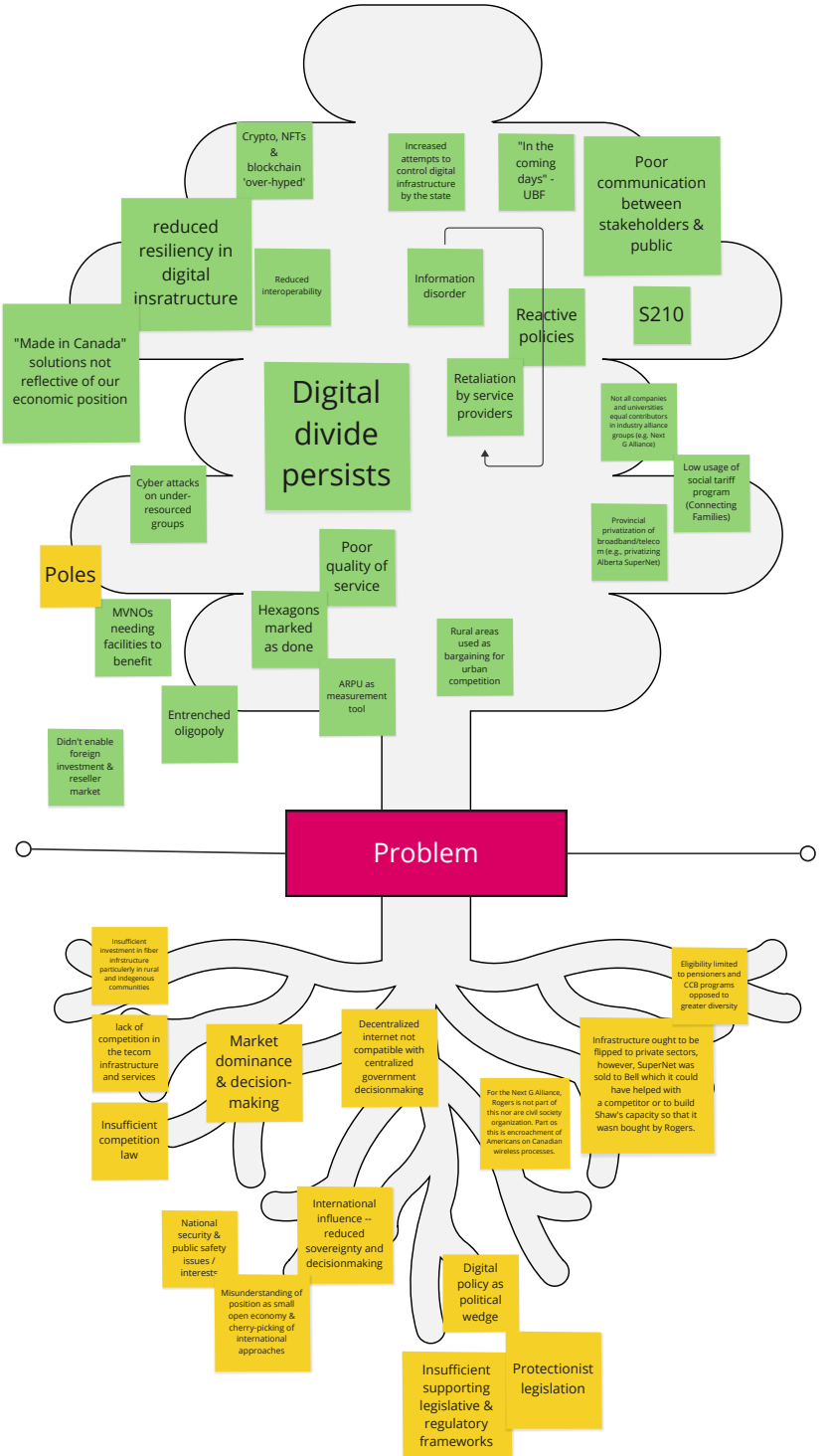
Use the 'stickies' in place (or add your own) to write down your contributions. Indicate the root causes for why your chosen example failed to have the impact it promised and the effects/implications or lessons learned from this failure that should be brought forward int future interventons/policy.

You can use the 'support dots' to indicate support for someone else's 'sticky'

IMPLICATIONS/EFFECTS OF THE FAILURE/LESSONS LEARNED

FAILED TREND/INTERVENTION

ROOT CAUSES



GROUP 4: Culture

EXTRA STICKIES

Support/Endorsement

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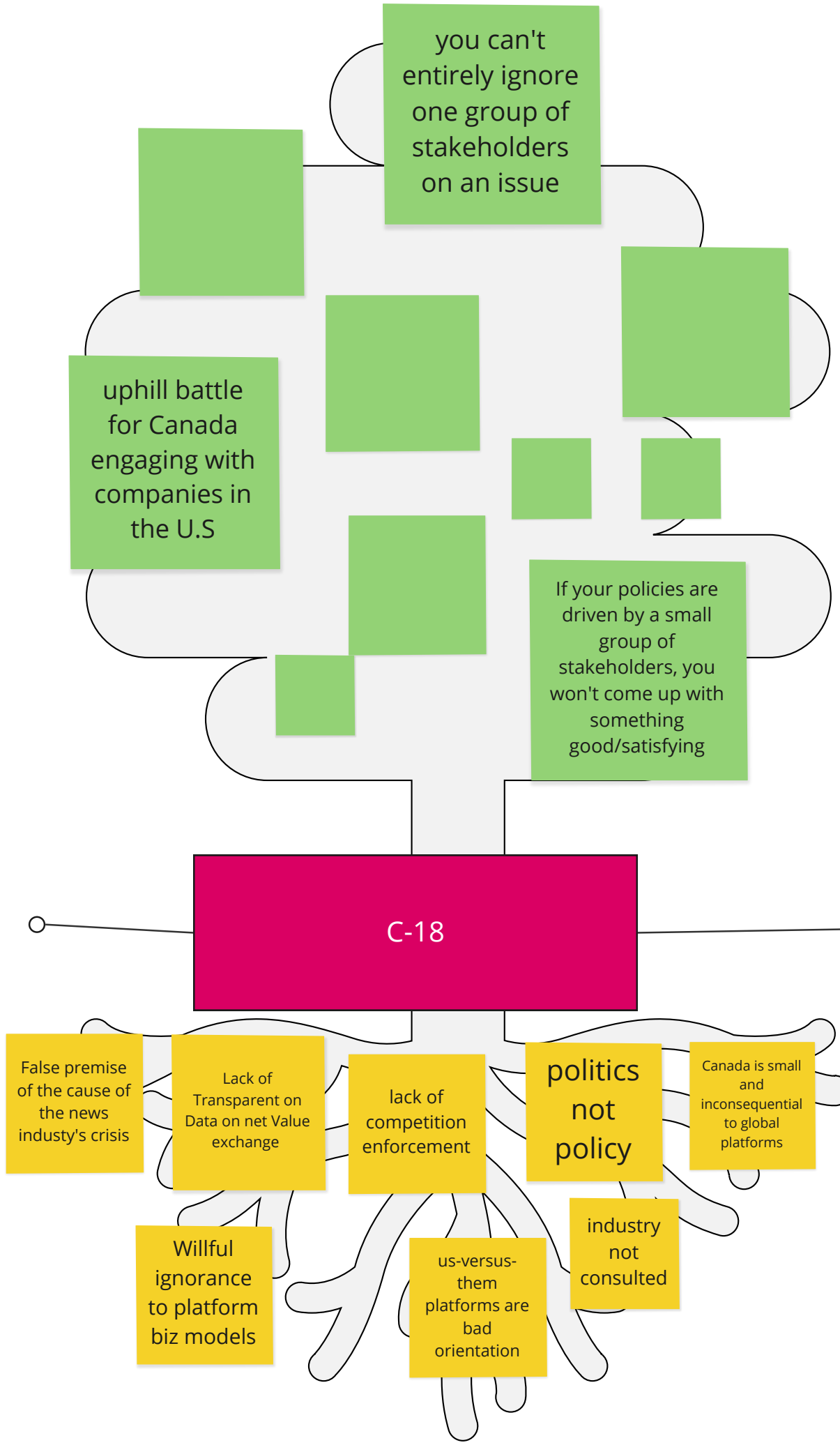

GROUP 2: REGULATION & LEGISLATION

EXTRA STICKIES

Support/Endorsement

Use the 'stickies' in place (or add your own) to write down your contributions. Indicate the root causes for why your chosen example failed to have the impact it promised and the effects/implications or lessons learned from this failure that should be brought forward int future interventons/policy.

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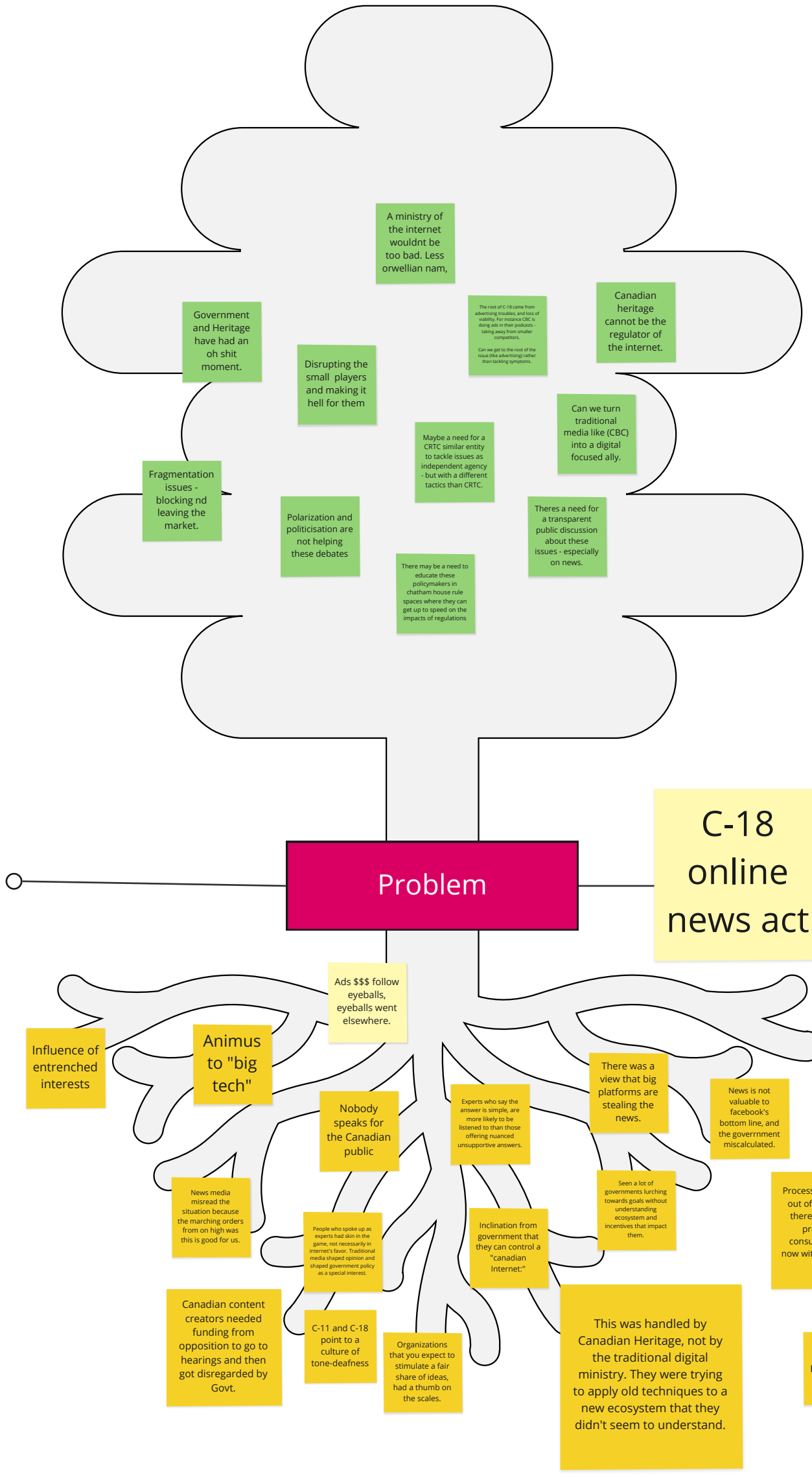

GROUP 3: FORESIGHT

EXTRA STICKIES

Support/Endorsement

Use the 'stickies' in place (or add your own) to write down your contributions. Indicate the root causes for why your chosen example failed to have the impact it promised and the effects/implications or lessons learned from this failure that should be brought forward int future interventons/policy.

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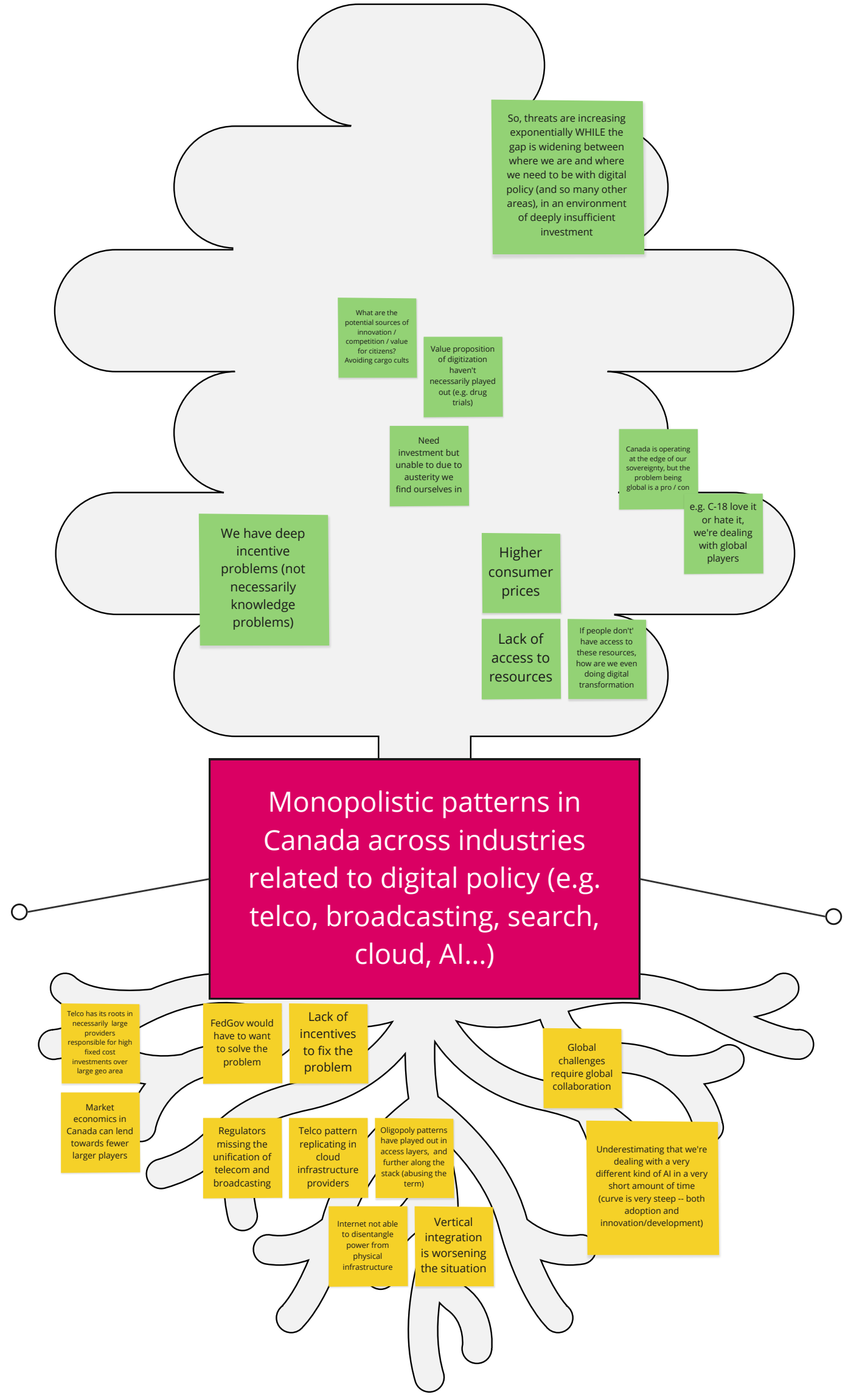
IMPLICATIONS/EFFECTS OF THE FAILURE/LESSONS LEARNED

FAILED TREND/INTERVENTION

ROOT CAUSES



GROUP 5: INTEGRATION

EXTRA STICKIES

Support/Endorsement

hi all!

Use the 'stickies' in place (or add your own) to write down your contributions. Indicate the root causes for why your chosen example failed to have the impact it promised and the effects/implications or lessons learned from this failure that should be brought forward int future interventons/policy.

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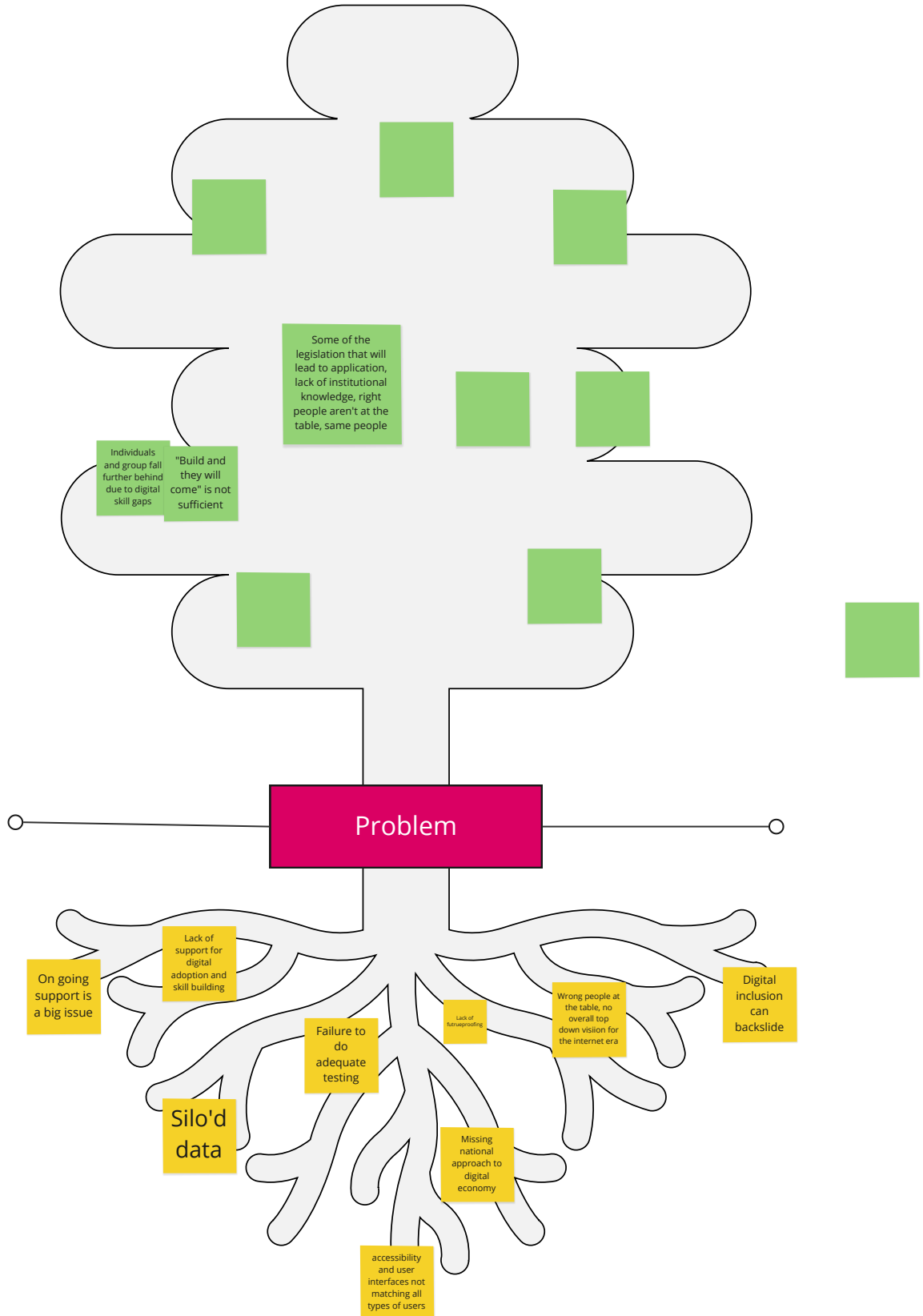
IMPLICATIONS/EFFECTS OF THE FAILURE/LESSONS LEARNED

FAILED TREND/INTERVENTION

ROOT CAUSES



Applying the 'cone of possibility' to reflect on the previous working sessions and your insights and expertise, indicate probable versus preferable directions for issues and items that fall under digital polcy - include notes or reflections about needed resources, relationships, and threats or opportunities that might shift things from what's likely/probable to what is preferable