PANEL ON GLOBAL INTERNET COOPERATION AND GOVERNANCE MECHANISMS: CONTRIBUTION TO NETMUNDIAL

- Area: COMBINED INTERNET GOVERNANCE PRINCIPLES AND ROADMAP
- Entitled by: PANEL ON GLOBAL INTERNET COOPERATION AND GOVERNANCE MECHANISMS
- Region: Global
- Organization: PANEL ON GLOBAL INTERNET COOPERATION AND GOVERNANCE MECHANISMS
- Sector: Other
- Keywords:

Abstract

The Panel on Global Internet Cooperation and Governance Mechanisms has been assembled to provide input into the global debate on Internet governance. The Panel?s work is evolving: a final report is anticipated for May 2014.The following contribution to NETMundial is derived from the Panel?s current discussions. It consists of a set of Internet governance principles and outlines the Panel?s current (and still evolving) effort to develop a roadmap for operationalizing these principles.

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0. Preamble

The Panel on Global Internet Cooperation and Governance Mechanisms has been assembled to provide input into the global debate on Internet governance. The Panel's work is evolving: a final report is anticipated for May 2014.

The following contribution to NETMundial is derived from the Panel's current discussions. It consists of a set of Internet governance principles and outlines the Panel's current (and still evolving) effort to develop a roadmap for operationalizing these principles.

1. Introduction and Framing

The Internet is without doubt one of the largest cooperative effort ever undertaken by humankind. What allowed the emergence of this complex dynamic ecosystem is a common set of protocols, developed and continuously refined through open and participatory processes in an ecosystem of complementary technical institutions. As a result, it smoothly grew in a few decades to more than 3 billion users and will have to handle several additional billions of users and devices in the years to come.

In addition, during the last two decades, the Internet has enabled a myriad of applications, the most visible of which is the World Wide Web. They have, to an extent never seen before, enabled people to “seek, receive and impart information and ideas [...] regardless of frontiers”, as envisaged by the Universal Declaration of Human Rights. The end result is the creation of (cyber)spaces where a constantly growing part of humanity’s social and economic interactions are now taking place.

As the number and diversity of users increase, however, the cross-border nature of these interactions expose growing tensions with an international patchwork of social and legal norms, requiring structured mechanisms of cooperation to handle this issue. Furthermore, despite the availability and success of the many active and distributed Internet governance mechanisms, networks, and institutions, stakeholders still face challenges. For example, some stakeholders and governments from least developed countries find it difficult to determine where to turn to address their issues within the web of Internet governance. These stakeholders can have difficulty finding clear choices that directly address their most pressing concerns on a national and global level. This is especially the case with emerging non-technical issues. Such challenges contribute to these stakeholders feeling marginalized in global Internet governance.

2. Internet Governance Principles

The Panel has identified eleven Internet governance principles that build upon a multistakeholder framework as the foundation for effective Internet governance.

Unified

1. An un-fragmented, interconnected, interoperable, secure, stable, resilient, sustainable, and trust--building Internet;

Dynamic

2. Distributed, lean, evolving, and adapting, and able to address issues in innovative ways;

Inclusive

3. Inclusive opportunity for participation and access for all stakeholders, representing multiple interests;

Diverse

4. Respect for, and inclusion of, diverse interests and cultures;

Equitable

5. No one single stakeholder, or category of stakeholders, dominates at the expense of others;

Collaborative

6. Decision--making is informed and enabled through bottom--up, transparent, and participatory stakeholder collaboration;

Local

7. Seek to resolve issues at a level closest to their origin;

Stewardship

8. Serve the global public interest by placing good management, use, and evolution of the Internet above any individual interest in it;

Low Barriers

9. Lower barriers to leverage the Internet as a global force for development and actively encourage its developmental role amongst stakeholders, especially the marginalized;

Human Rights

10. Support the fundamental rights and freedoms of all people affected by the Internet;

Accountable

11. Accountable, transparent, and rooted in public stewardship;

3. Roadmap to Operationalizing the Principles

To ensure the continuing success of an Internet based on the principles described above, the global community must address three complementary challenges:

First, the elaborate ecosystem of cooperating institutions governing the technical issues of the Internet must continue to evolve and globalize their participation and structures?

Second, accessible and collaborative governance mechanisms are needed for the Internet's non-technical issues where possible, drawing on the lessons learned from the successful ecosystem of technical governance?

Third, Internet governance capacities should be broadened and developed across all stakeholder categories at the global, regional, national, and local levels, thus empowering stakeholders to effectively navigate, participate, and address emerging issues in a distributed, collaborative, and dynamic Internet governance ecosystem;

And fourth, as the Internet grows to include additional billions of users, the resulting increase in diversity risks exacerbating existing differences in social and legal norms. Accommodating this challenge will require a renewed effort at finding areas of commonality rather than discord and openness to accepting diversity as an opportunity for enrichment rather than as an pretext for division.

The Panel is exploring a number of options to address these challenges.

The following reflects the Panel's current and still evolving view on a roadmap forward to operationalize the Principles above:

a) Issue-to-Solution Mapping

New mechanisms to map issues to solutions are needed.

Such mechanisms help stakeholders map issues to appropriate institutions or governance networks that are addressing the issues at a global, regional, national, or local level.

Such mapping would solve the often-cited difficulty especially in least developed countries with limited resources --to navigate the growing complexity of the Internet governance ecosystem. Issue mapping would also assist in identifying gaps in current institutions or governance networks and address the concerns that arise as a result of a multitude of choices, --or not enough clear choices--, that directly respond to stakeholders' most pressing concerns.

When a new issue emerges, these mechanisms effectively identify and engage the relevant institutions, groups, and/or experts and coalesce them to address the issue effectively.

b) National and Regional Internet Governance Structures

New localized mechanisms and structures are needed.

Panel discussions have acknowledged that not all Internet governance issues can be solved within the global level. Different cultures and their respective needs are sometimes better reflected in local decision-making processes.

National and regional level Internet governance structures and mechanisms must emerge, guided by the same global principles to ensure alignment. The synchronization between the different levels ensures a healthy, inclusive, and balanced stakeholder representation locally while contributing to the coordination of activities taking place at the global level and avoiding additional frictions in the Internet.

c) ICANN Globalization

ICANN needs to further globalize.

Based on the aforementioned Equitable principle, ICANN needs to further globalize its structures, operations, commitments, and legal framework.

ICANN has the steadfast role as the global administrator of the IANA functions, operating the names, numbers, and protocol registries in collaboration and based on established agreements and input from the relevant Internet technical organizations. For over fifteen

years without a single interruption since ICANN's inception, this performance continues to support a global Internet.

However, ICANN can now move beyond the U.S. government’s stewardship that assured the world of ICANN’s performance to date. While this arrangement was arguably necessary during ICANN’s growth phase, the current maturity of ICANN’s structures, processes, and accountability mechanisms warrants the transitioning of the U.S. role to the ICANN community.

ICANN must pursue this transition through multistakeholder developed accountability mechanisms coupled with the strengthening of mutual commitments and agreements with relevant Internet communities and organizations. Such a transition should be done carefully to maintain ICANN’s established operation that provides the stability and resiliency of the core Internet technical identifiers.

d) Forums and Dialogues

Global, regional, and national forums and dialogues on Internet governance issues must be strengthened.

The Panel encourages the strengthening of multiple and diverse forums and dialogues - online and offline - between stakeholders from business, technology, government, civil society, and academic environments on a broad range of technical and non-technical issues.

Forums and dialogues are an indispensable part of the Internet governance ecosystem, open to all stakeholders from all countries for equal participation, and wherein any stakeholder can bring up any issue. With light management structures, bottom--up organization of workshops, extensive use of remote participation tools, and holistic, substantive mandates, such forums are unparalleled catalysts for the global exchange of ideas and experiences across the full range of Internet governance issues. Additionally, these forums serve as incubators and test beds for a variety of new collaborative

formations, such as national and regional forums that enhance local policy landscapes, as well as issue--specific dynamic mechanisms.

The interactions in open forums and dialogues contribute greatly to the mechanisms that provide solutions for existing and emerging issues -- across the local, national, regional, or global levels.

e) Expert Communities

Expert communities are needed to support Internet governance structures and mechanisms.

Expert communities are open and collaborative groups of experts in research and practice to inform and support Internet governance through knowledge--sharing and expertise. These communities enrich discourse and collective learning, iterating, and contributing at local, national, regional, and global levels to the resolution of issues.

These communities vary in many dimensions, but they are vital sources for the exchange of people, ideas, and lessons learned that can percolate throughout the ecosystem and replenish and expand human capital, knowledge, and perspectives for the stakeholders across the ecosystem.

Expert communities should be mostly organic, requiring a minimum organizational mechanism, which is often effectively delivered through an online platform.

f) Empowerment and Development

More empowerment, development, and tools are needed to enable Internet governance mechanisms and structures at the global, regional, and national levels.

Empowerment programs and toolkits enable and strengthen stakeholders and groups that form governance structures and participate in governance networks.

These developmental activities provide training on Internet governance, processes, skills, and tools -- spanning technical, legal, and policy areas. These programs are vital for the growing need to support local, national, and regional governance networks that address local issues, while ensuring local/national/regional synchronization between all stakeholders.

Technical organizations, governments, international organizations, private foundations, or local, national, and multilateral development agencies should deliver the empowerment programs. Collectively, these programs represent an enormously effective, and yet low--cost investment, building the human capital to sustain a thriving and diverse Internet governance ecosystem. Toolkits should also be made available for existing or emerging stakeholders as shared resources, in multiple languages, to enable effective administration and collaboration between stakeholders and groups.

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Note:The Panel does not have all the answers but is actively seeking community input from the NETmundial conference and other forums. The Panel remains engaged in deep and thoughtful reflection to address several remaining questions in order to effectively operationalize the distributed and collaborative governance of the internet.

As such, the Panel is committed to providing practical answers to many questions such as these:

- How, when and who decides whether an issue requires global coordination or devolution? How do we make these decisions thoughtfully yet at a rapid enough pace to ensure stability?

- Who will and how to monitor adherence to principles of Internet governance - ensuring

accountability? What incentives can assure compliance and the public interest?

- How to accommodate new technologies and issues arising in a dynamic environment, affording stability without undermining innovation?

- How to coordinate across issue areas (where a clear distinction between technical and non-technical; content and code; infrastructure and trade are hard to make)?

- What platforms are needed in order to operationalize effective and legitimate forms of decision-making?

- How to ensure that the growing machine-to-machine internet traffic (currently at over 60% of total) is operated based on the same governance principles and frameworks of human use?

The panel will continue to evolve and advance its discussion towards delivering a comprehensive report with a practical roadmap for the evolution and operationalization of distributed and collaborative Internet governance. The final report will be published in May 2014.