Association for Progressive Communications (APC) Contributions to the NetMundial ? Global Multistakeholder Meeting on the Future of Internet Governance

- Area: SET OF INTERNET GOVERNANCE PRINCIPLES
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Abstract

Since its formation in 1990 APC has has been committed to achieving universal and affordable access to a free and open internet. As an international NGO with membership in 40 countries, APC has participated actively in the World Summit on the Information Society (WSIS) and Internet Governance Forum (IGF) processes, driven by the conviction that the internet is a global public good and a vital enabler of social justice, development, peace, environmental sustainability, gender equality and human rights. The NetMundial is an opportunity to: Reinforce and strengthen efforts to improve and democratise internet governance (IG);Help restore trust in the IG ecosystem following the 2013 revelations of mass surveillance;Generate outputs which can be discussed further at global and regional IGFs and at other relevant meetings in the course of 2014 and then be formally adopted by IG institutions i.e. ICANN, IETF, etc.) and intergovernmental bodies e.g. the UN General Assembly.

Document

APC's Proposed Internet Governance Principles, 8 March 2014

APC believes that the ability to share information and communicate freely using the internet is vital to the realisation of human rights as enshrined in the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1976), the International Covenant on Civil and Political Rights (1976) and the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW, 1980).The internet can only be a tool to empower the peoples of the world if its governance, development and management is based on the following principles (which are derived from the APC Internet Rights Charter from 2001 – http://www.apc.org/en/node/5677. The APC Charter is cited by other submissions to NetMundial, for example in http://bestbits.net/netmundial-principles/. It is also in the list of NetMundial source documents.)Based on the APC Charter we propose six key principles:1: Access for all 2: Freedom of expression and association 3: Access to knowledge and shared learning and creation4: Privacy, freedom from surveillance and the right to use encryption 5: Democratic, transparent and participative internet governance6: Awareness, protection and realisation of human rights on the internet, and through the internet

1: Internet access for all

Internet access is an enabler of civil and political rights, and of economic, social and cultural rights. Internet governance, development and management should at all times ensure affordable access for all. Access for all can help create more egalitarian societies, strengthen educational and health services, local business, public participation in political processes, access to information, good governance and poverty eradication.

- **Access to infrastructure irrespective of where you live**. The internet serves as a global public infrastructure. This infrastructure must be widely distributed and support sufficient bandwidth to enable people everywhere to utilise its potential for raising their voices, improving their lives and expressing their creativity. People have the right to well-distributed national internet backbones that are connected to international networks, be they located on a small-island state, or in a large metropolis.
- **Inclusive design.** Interfaces, content and applications must be accessible to people with physical, sensory or cognitive disabilities. The principle of inclusive design and the use of assistive technologies must be applied consistently.

- **Equal access for men and wome**n. In many places women and men do not have equal access to learn about, define, access, use and shape the

internet. Efforts to increase access must recognise and redress existing gender inequalities.

- **Affordability**. Policy-makers and regulators must ensure that all citizens have affordable access to the internet. The development of telecommunications infrastructure, and the setting of rules, pricing, taxes and tariffs, should make broadband access possible for all income groups.
- **Public access.** Many people will never enjoy affordable broadband access in their homes, and access through mobile phones has limitations. Public access at telecentres, libraries, community centres, clinics and schools must be made available so that all people can have full access to the internet within easy walking distance of where they live or work.

- **Access in the workplace.** Employers must enable internet access in the workplace.
- **Cultural and linguistic diversity**. Technical development and public policy must encourage linguistic diversity on the internet and simplify the exchange of information across language barriers.

2: Freedom of expression and association

Article 18, UDHR: Everyone has the right to freedom of thought, conscience and religion Article 19, UDHR: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiersArticle 20, UDHR: Everyone has the right to freedom of peaceful assembly and association

- **Freedom of expression** should be protected from infringement by government and non-state actors. The internet is a medium for both public and private exchange of views and information across a variety of frontiers. Individuals must be able to express opinions and ideas, and share information freely and privately when using the internet.
- **Freedom from censorship.** The internet must be protected from all attempts to silence critical voices and to censor social and political content or debate.
- **Freedom of association.** Organisations, communities and individuals should be free to use the internet to organise and engage in online protest and organise offline protest.

3: Access to knowledge and shared learning and creation

*Article 27, UDHR: Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefit*s

- **Knowledge commons**. Wide-spread access to knowledge and a healthy knowledge commons form the basis for sustainable human development. The internet enables knowledge-sharing and collaborative knowledge-creation.
- **Freedom of information.** Governments must implement freedom of information legislation, and ensure that all information, including scientific and social research, that is produced with the support of public funds be freely available to all through internet.
- **The right to share.** The internet offers extraordinary opportunity for sharing information and knowledge, and for new forms of creating content, tools and applications. Providers of tools, internet services and content, should not prohibit people from utilising the internet for shared learning and content creation. Protection of the interests of creators must occur in a way consistent with open and free participation in scientific and cultural knowledge flows.
- **Free and open source software** (FOSS). APC supports the use of FOSS on the internet. Working with FOSS is empowering, it builds skills, is more sustainable and it encourages local innovation. Access to the source code makes the internet more secure because applications are subject to public scrutiny. We encourage governments to make policies that encourage the use of FOSS, particularly in the public sector.
- **Open technological standards.** Technical standards used on the internet must always be open to allow interoperability and innovation.

4: Privacy, freedom from undue surveillance and the right to use encryption

Article 12, UDHR: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation

- **Data protection.** Public or private organisations that require personal information from individuals must collect only the minimal data necessary

and for the minimal period of time needed. They must only process data for the minimal stated purposes. Collection, use, disclosure and retention of this information must comply with a transparent privacy policy which allows people to find out what is collected. Data collected must be protected from unauthorised disclosure and security errors should be rectified without delay. Data must be deleted when no longer necessary for the purposes for which it was collected. The public must be warned about the potential for misuse of data supplied. Organisations have a responsibility to notify people when the information has been abused, lost, or stolen.

- **Encryption**. People communicating on the internet must have the right to use tools which encode messages to ensure secure, private and anonymous communication.
- **Freedom from undue surveillance**. People should be able to communicate free of the threat of surveillance and interception. Where surveillance does happen it needs to adhere to clear and transparent principles and comply with rule of law.

Surveillance by States Surveillance by States should comply with the following principles (derived from “Necessary and Proportionate” https://en.necessaryandproportionate.org/?, and Minister Carl Bildt's input at the October 2013 Seoul Conference on Cyberspace, http://www.regeringen.se/content/1/c6/22/65/90/696126a5.pdf

i. Legality: Be be based on laws that were adopted in a transparent manner through a democratic process.**ii. Legitimate aim**: Surveillance must be conducted on the basis of a legitimate and well-defined aim and surveillance measures may never be carried out in a discriminatory or discretionary manner and only by specified state authorities.**iii. Necessity and adequacy:** The law should specify under what circumstances surveillance is necessary and justify its application, and then only to the extent adequate to achieve the legitimate aim.**iv. Proportionality:** A sound judgment must be made by a judicial authority, ideally an independent court, to carefully assess whether the benefits of surveillance outweigh its negative consequences.**v. Judicial authority:** Decisions on the use of communications surveillance should be taken by a competent authority. As a general rule, an independent court should take such decisions.**vi. Transparency:** States should be as transparent as possible about how they carry out surveillance and under which circumstances court orders may be requested to practice surveillance. They should provide information on how the surveillance legislation works in practice.**vii. Public oversight.** Parliamentary or other credible institutions must provide oversight over relevant legislation and the practice of surveillance.

5: Governance of the internet

- **Multilateral and multistakeholder democratic governance of the internet**. Internet governance should be multilateral [note added in 2014: multilateral here means multiple countries and parties, not among governments] and democratic, with the full involvement of governments, the private sector, civil society and international organisations. No single government, or sub-groups of governments, should have a pre-eminent role in relation to international internet governance.
- **Transparent and accessible.** All decision-making processes related to the governance and development of the internet should be open and accessible at global, regional and national levels.
- **Decentralised and collaborative**. The technological development and core resource management of the internet must be decentralised and collaborative, and help to ensure that the network is interoperable, functional, stable, secure, efficient and scalable in the long run.
- **Open architecture.** The internet as a ‘network of networks’ is made up of many interconnected networks, based on the key underlying technical idea of open architecture networking, in which any type of network anywhere can be included and made publicly available. Open architecture must be protected.
- **Open standards.** Most of the protocols at the core of the internet are protocols based on open standards that are efficient, trusted, and open to global scrutiny and implementation with little or no licencing restrictions. The protocol specifications must remain available to anyone, at no cost, considerably reducing barriers to entry and enabling interoperability.
- **Network neutrality**. The 'intelligence' of the internet resides in the computers, application-servers, mobile and other devices at the edges of the network, able to freely communicate directly with any other device on the network. This end-to-end model is the source of the massive innovation that caused the explosive development of the internet as the platform for broader economic and societal development. But if the more wealthy can pay to have their traffic on the Internet prioritised, the next 'Facebook' or 'Google' idea will never see the light of day. The principle of net neutrality must therefore be applied to prevent attempts to create a tiered internet controlled by specific multinational corporate interests.
- **The internet as an integrated whole.** The interoperability of the internet is an intrinsic part of the internet’s value as a global public good and should not be fragmented by threats to create national intranets, the use of

content filtering, unwarranted surveillance, invasion of privacy and curbs on freedom of expression.

- **The internet should be a demilitarized zone** which cannot legally be used as a platform to mount technical/infrastructural attacks on other parties (i.e DDOS, viruses etc.).

6: Awareness, protection and realisation of rights

- **Human rights protection, promotion, awareness and education.** The rights of people as users of the internet must be protected by international human rights declarations, law and policy practice. National, regional and global governing bodies must make information about rights and procedures related to the internet freely available. This involves public education to inform people of their rights when using the internet and mechanisms to address rights violations.
- **Recourse when human rights are violated.** People need free public access to effective and accountable mechanisms for addressing violations of rights. When human and internet rights are threatened by internet-based content, or by illegitimate surveillance, limitations on freedoms of expressions, and other rights, parties should have access to recourse mechanisms for taking action against such infringements.

Practical tools are also needed to support good Internet governance practice. APC has worked on such a tool and developed, in partnership with the Council of Europe and UNECE, the Code of good practice on information, participation and transparency in internet governance, The Code continues to be living document and as such is a work in progress. More information about it is available: http://www.intgovcode.org/index.php/Main_Page