SINDITELEBRASIL Contribution FOR NETmundial

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Abstract

Sinditelebrasil is the representative entity of all Personal Mobile Service Providers and Fixed Telephony Service Providers and Multimedia Communication Service Providers in Brazil. We appreciate the opportunity to participate in the Global Multi-stakeholder Meeting on the Future of Internet Governance and we would like to congratulate the Government of Brazil for this good effort to invite governments and the global Internet community to discuss the existing model of Internet Governance and its evolution.

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Brazil. We appreciate the opportunity to participate in the Global Multi-stakeholder Meeting on the Future of Internet Governance and we would like to congratulate the Government of Brazil for this good effort to invite governments and the global Internet community to discuss the existing model of Internet Governance and its evolution.

Our representatives are the major Internet Service Providers – ISP´s in Brazil. They are active stakeholders in the Internet Governance debate and they want to express their interest in to bring contributions and help to build a solid base for the discussions at NETmundial and to help bridging the divergent views to make the conference a success on the way to a more inclusive and better Internet Governance.

1. Internet Governance Principles

The electronic communications industry has made possible the unparalleled expansion of Internet connections and penetration worldwide. A very significant proportion of total broadband and other Internet connections are made using mobile networks, and that growth – nurtured and stimulated by competition – is accelerating. Today, Internet users are mainly from emerging economies and this should also be reflected in the way the Internet is governed. To maintain this pace and give access to those still unconnected, providing them with education, vital medical and governmental services, and unprecedented opportunities for new job creation and economic growth, it is crucial that Internet policy encourages telecommunications operators to continue to invest and give them the freedom to provide innovative new networks and services.

Competition and a light touch regulatory environment are needed to innovate in access and connectivity through private sector investment and the roll-out of network infrastructure worldwide. For this to continue, the broadband and Internet ecosystems need stable and predictable regulatory regimes, based on a level-playing field for all actors and free from uncertainty at national and international levels. Today, the level and intensity of regulation differs considerably between various agents of the Internet value chain. Going forward, the sustainability of the Internet will also depend on finding a level-playing field for all actors across the Internet value chain.

a. We recognize the efforts made during the last years to define a common set of principles for the Internet. There are already many principle documents agreed by various international fora and institutions (OECD, G8, European Commission) regarding the Internet. NETmundial should built on these, but focus on finding

principles for the Governance of the Internet (in contrast to: General Internet Principles), but obviously such principles for the Governance of the Internet need to be aligned with the more general Internet Principles.

b. The outcome would be a global set of Internet Governance Principles, which could serve as a global reference point and a guiding light for all stakeholders about the Governance of the Internet.

c. NETmundial should try to get agreements between all stakeholders on the key set of governance principles that have made the Internet a global success. Sinditelebrasil believes that this will be rather few than many principles and that they need to capture broad consensus between all stakeholders and involved parties.

d. The Internet has become such a fantastic success because it was based on a governance structure that was open to all interested stakeholders, global in reach and guided by a cooperative spirit between all involved parties. This is a basis which is not found in any other area of international policy and governance and should be respected simply due to the fact that it was the basis of the growth of the Internet up to now and has overall worked considerably well.

e. However, the amazing growth of the Internet is putting stress on this model of Internet Governance. While in 2005 two-thirds of all Internet users were from the developed world, in 2015 two-thirds will stem from emerging economies. This brings all challenges of international Public Policy to the Internet and makes it governance more challenging due to an increased diversity of views, morals and interests. NETmundial should therefore be an important step to evolve the Internet Governance model by building on its existing foundations and without endangering its growth, resilience and stability.

f. Sinditelebrasil believes that finding such global consensus on Internet Governance would be crucial to restore trust and confidence of users and states in the Internet and create a basis for a sustainable growth of the Internet. Such growth is needed to get everyone connected to the Internet based on interconnected Internet infrastructures and networks.

g. Sinditelebrasil therefore believes that NETmundial should consider the following key principles and outcomes for the Internet and its Governance:

(1) Promote an Internet which is economically sustainable, interconnected, secure, stable and resilient, able to build confidence for all its users globally and flexible enough to adapt to the fast-changing nature of the Internet.

(2) Protect Human Rights and fundamental principles like the rule of law for Internet users in the same way online as they are protected offline

(3) Commit to a collaborative, inclusive and open Internet Governance where no single stakeholder or group of stakeholder dominates but all stakeholders work together and can engage on equal footing and in accordance with their respective roles; this includes also governments in their recognized role as representatives of societies for the definition of Public Policy on national and international level.

(4) Acknowledge that the current government mechanisms for technical and operational matters of the Internet have proved to make it a remarkably stable and resilient system and that the technical community and private sector should retain their leading roles for the day-to-day management of a global, interconnected Internet.

(5) Ensure that Internet Governance processes are improved and defined to be fully transparent, inclusive and easily accessible, but also accountable for their decisions.

2. A roadmap for the further evolution of the Internet Governance ecosystem

Sinditelebrasil supports that any roadmap for the evolution of the Internet Governance System should ensure that all affected parties are included in this process on equal footing, in their respective roles and in an open, transparent and accessible way. We congratulate NETmundial and the Brazilian government for their efforts to achieve this in

the organization of the conference.

We also recognize that the existing governance mechanisms and organizations dealing with Internet Governance have worked considerably well and allowed the fantastic development of the Internet to a global, interconnected network of networks. This by itself gives these governance mechanism and institutions the legitimacy to be listened to and heard in the current debate. Institutions like the I-Stars (ICANN, IETF, ISOC etc.) and also platforms like the UN IGF have great merits for the development of the Internet as we know it.

Internet Governance has today developed to be a global governance model *sui generis* and is much more than any other governance mechanism based on collaboration between stakeholders. Especially private actors and technical entities lead and ensure the day-to-day management of its core functions and do the investments needed in infrastructure and services to create what is referred to as “The Internet”.

Sinditelebrasil believes that the open nature of the multi-stakeholder process does not guarantee by itself an adequate participation among all stakeholders. Traditional governance models, which are based on top-down decision making processes and multilateral agreements between governments, usually agreed in lengthy negotiations, cannot be the most adequate for governing the fast-changing Internet with its global reach and private, interconnected networks.

This is what quite often happens in the decision process of some international institutions. Analogous considerations can be made regarding the transparency of the multi-stakeholder process. Quite often information overload characterizes meetings and fora of the multi-stakeholder process creating real difficulties to focus at important issues. A stronger effort is required by all parties to improve and make more successful this process.

We also acknowledge that due to the increasingly global and diverse user base of the Internet and its key role for the economic developments of all nations and states, Internet Governance processes need to better involve Public Policy concerns from governments and states and need to evolve accordingly.

Sinditelebrasil supports that NETmundial should set out the areas where an evolution of Internet Governance is deemed necessary and where there is the most urgent need to evolve the currently existing governance mechanism. Once these areas are defined, a roadmap to address such changes should be agreed.

This approach should be seen as an evolution from the current governance model. The current multi-stakeholder model must evolved to one that makes a appropriated distinction between two concepts: shared and equal responsibility, While all stakeholders need to participate in the multi-stakeholder model on equal footing, the decision process must take into account the different responsibilities of the each Internet agent directly involved in a particular issue. In this way, the nature of the governance issue must take into consideration.

We emphasize that this new governance model needs to distinguish carefully different areas and issues of Internet Governance as not all have the same impact on Public Policy. At the same time, not all issues need the same involvement and same set of stakeholders, institutions and parties to define solutions. Just to give an example setting standards and agree technical protocols for the Internet has worked considerably well under the existing governance mechanisms which are lead by private companies and entities. However, how to protect privacy and security of Internet users on a global level is a much more difficult and controversial issue and has a much higher impact on Public Policy and clearly need to involve governments in a leading role.

At the same time the example of Online Privacy also shows that it might also be necessary to distinguish between global and local (or regional) levels, and to use the concept of subsidiarity to decide on what level decisions need to be taken, because many national states protect already privacy online, but there is no global agreement and protection, mainly regarding sovereign rights of other countries. In general the principle of subsidiarity could be considered to determine which issues need to be solved at global level and which one can be dealt with by stakeholders at local levels.

Governments are the representatives of the people and therefore are an important source of democratic legitimation regarding Public Policy issues affecting the Internet. They should ensure the existence of open, inclusive and transparent mechanisms for Internet Governance, respect Human Rights and the rule of law, and guarantee the right policy frameworks for competitive digital markets with fair rules for all players (level-playing-field)

which are necessary to safeguard increased investments and innovation across all layers of the commercial Internet Ecosystem. They should also engage in relevant processes of Internet Governance and policymaking, especially when and where there is a relevant impact on Public Policy, e.g. in issues like online privacy and cyber-security. In such areas solutions without leading involvement of governments, engaging with other stakeholder like the technical community, private sector, civil society and academia, will not be possible to achieve.

The IGF has played a very important role in bringing together stakeholders. It should be studied if it could have more concrete mechanisms and its policy outcomes should be integrated into other, existing governance mechanisms. The IGF should be better funded and its role and influence expanded. The interactions between the global IGF and the national and regional IGFs should also be strengthened.

Finally, due to the completely changed nature of today´s Internet, with its global usage and with most users in the emerging world, also the key Internet resources, especially the IANA function, need to be globalized. The appropriate process and ways to achieve that goal as soon as possible from a legal and technical point of view and without endangering the stability of the Internet should be defined by NETmundial as well.