NetMundial Content Submission - Endorsed by NIC Mxico

- Area: COMBINED INTERNET GOVERNANCE PRINCIPLES AND ROADMAP
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Abstract

We briefly introduce presenting current challenges, further going to describing what we believe should be the Internet Governance Principles endorsed and the Roadmap for the further evolution of Internet Governance.

Document

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The current challenges the Internet is facing

There is no doubt that Internet has revolutionized without precedent several aspects of human life: since becoming a facilitator of daily basis activities up to enabling the exercise of basic human and civil rights. Notwithstanding, Internet is currently facing several challenges that constitute a permanent treat and that harness its further development. Among these, we can find the several:

Internationalization of ICANN and IANA functions: This non-lucrative, non-governmental organization for the coordination and supervision of technical parameters of Internet through a multistakeholder participation model, is currently facing the challenge of positioning itself as a real multicultural organization, lessening its linkage to California law and deepening the globalization of the IANA functions it currently performs under contract with the US Government (Department of Commerce / NTIA). Even though several efforts have been made, as the opening of several contact offices throughout in Beijing, Brasilia and Montevideo, the cultural diversification of its employees, summed up to the very symbolic coronation of these efforts by choosing a Lebanese CEO, and the linguistic diversification of the DNS; it is evident that “de-occidentalization” and further Internationalization of the corporations and functions that coordinate Internet resources must keep on going further in order to achieve legitimation with the non-Occidentalized world, keeping in mind that the next generation of Internet users will come from non-Occidentalized countries.

Increased governmental participation on Internet Governance: it is evident that worldwide governments are seeking to increase their participation on Internet Ecosystem, something that throws in serious questionings on the balance of power as well as on the future impossibilities of exercising fundamental rights through this medium. Since several years, the United Nations, through the International Telecommunications Union (ITU) had been pushing further with resolutions on several international forums that tend to increase the role of these institutions and their governments adhered on Internet, under the argument of reducing the digital divide. Specifically, several Governments are pushing for ITU to take the technical coordination functions currently delegated to ICANN, which formalized in the matter of multilateral treaties will pave the way for governments to control their local Internet Ecosystems through aggressive regulatory measures. ITU being and international organization its eminently State-centric and only gives voice and vote to the Governments affiliated, the rest only given the status of observatory participants. The risk this poses is to give Governments wide abilities to impose their own policies via unilateral ways and not through multistakeholder participation, even given the chance to violate fundamental Internet principles (neutrality, free flow of data, descentralized administration, free and voluntary adoption and coordination, transjurisdiccional). On other fronts, these multilateral treaties are not only aimed to move the technical coordination abilities, but rather are focused on very specific topics such as intellectual property and Internet regulation, such as the Transpacific Partnership Agreement (TPP) being currently

negotiated.

Developing countries participation on Internet Governance: In line with reducing the digital divide, and increasing the integration of developing countries individuals to the Information Society, several regional specific strategies must be followed and endorsed by the organizations of the global Ecosystem to increase the digital inclusion of these individuals. The UN through the WSIS process, ICANN and several countries have started regional and country specific strategies aimed at this objective.

Widespread Governmental espionage: Edward Snowdens revelations shed light on something widely known but never spoken before: no Internet user is safe from espionage on the Internet and thus security has taken widespread relevance, as the user struggles not to lose confidence on Internet.

On Internet Governance Principles

On a general basis, the next principles should be endorsed:

1. Wide protection of Human Rights in the digital era. Recognizing the Internet's contribution to self-expression and information sharing, we call for Internet governance models to promote this free flow of information as recognized by the Joint Declaration on Freedom of Expression and the Internet***[1]*** and the United Nations Human Rights Council.[2]

2. Non-discriminatory and inclusive access to the Internet as stated in the Declaration of Principles: Building the Information Society: a global challenge in the new Millennium (WSIS).[3]

3. The right of access to information and freedom expression where no law or authority may establish censorship, restricting freedom of dissemination.

4. Promote effective competition in telecommunications and ICT services and promote anti-trust policies and regulations.

5. Strengthen the integration to the Information Society.

6. Consider telecommunications as a worldwide public service of general interest, understanding that Internet does not fall within the realm of Telecommunications regulation principles, and therefore needs a multi-stakeholder approach to its governance, while recognizing its open, distributed, interoperable, and interconnected nature. Internet is rather something entirely different, a logical mechanism of data-packet commutation based on the utilization of TCP/IP protocol which uses the Telecommunications infrastructure as a physical mean disregarding the type of infrastructure involved or the physical borders between these, and that according to the 'layers principle', works as a superior layer mounted above an inferior telecommunications layer and therefore operates with a separate set of rules for its engagement by the several stakeholders.

7. Inviolability of the private communications, recognizing the necessary and proportionate principles upon which governments should design and limit their ability to collect information on Internet users based on users' reasonable privacy interests and the impact on trust in the Internet.[4]

8. Multistakeholder participation on the basis of equal footing, equal voice and equal participation in recognition of each stakeholder's role and responsibility that this model of decentralized administration confers and considering that the multi-stakeholder model approach to Internet governance and technical management has allowed the Internet to grow and flourish into the critical global platform it is today. We recognize that ***all stakeholders should be included in governance decisions*** as stated in the Montevideo Statement on the Future of Internet Cooperation***[5]*** and the Declaration of Principles: Building the Information Society: a global challenge in the new Millennium (WSIS).***[6]***

9. Protecting consumers and encourage users to organize themselves for the better care of their interest.

Roadmap for the Further Evolution of the Internet Governance Ecosystem

The following must be followed to enhance Internet Governance landscape:

1. IGF shall be kept as the main forum where all stakeholders can participate and disseminate the good practices and lessons learned. Similar efforts at regional and national level should be a practical recommendation.

2. United Nations System through the Internet Governance Forum (IGF), appointed by the United Nations General Assembly through the Tunis Agenda, should be continuously following and monitoring the emerging issues where a global public policy could be necessary to be adopted, and address the appropriate body to handle with each matter, and their measures that facilitate the multistakeholder involvement should be improved. In this sense, we encourage the UN to renew the IGF mandate for another 10 years, in addition to the permanent evolution and continuity of the Multistakeholder Advisory Group (MAG), in recognition of the thorough, objective and inclusive representation of the wide diversity of stakeholders involved on the Internet.

3. The Internet Corporation for Assigned Names and Numbers (ICANN) should evolve to comprise a more internationalized organization under the most suitable regime for multi-stakeholder participation, on the basis of equality, openness, bottom-up and rough consensus, on the understanding that the proper application of these within the organizational structures will avoid control by any particular stakeholder. The same should be endorsed for the internationalization of the Internet Assigned Numbers Authority (IANA) functions currently under ICANN administration by contract with the US Department of Commerce (US DoC), on the common understanding that these characteristics should be aimed on maintaining the technical stability and resilience of the root, prevailing the notion that due to its technical complexity the technical community should continue their activities on the above supervision of IANA, disregarding to which superior organization this function is endorsed. As Internet policy discussions become more global in nature, stakeholders should continue to rely on the existing structures to develop global policies that benefit all users rather than relying on either the creation of another governance body or on multilateral means.

4. All of the stakeholders involved should increase their accountability and transparency practices in favor of the global Internet community public interest. Recognizing necessary improvements within the current governance model, we propose bringing new stakeholders whose voices may not be effectively heard into the conversation. For example, through the offer of fellowships to engineers and policymakers from the developing world to attend multi-stakeholder meetings, as well as improving transparency and accountability, calling on all involved organizations to make relevant governance and policy documents available to all stakeholders at no cost and opening governance meetings to equal participation whenever possible.

5. International organizations and governments should enhance their cooperation in order to mitigate any conduct contrary to the use of the Internet for the economic and social development, taking into account the potential for improvements in the international mechanisms of cooperation among stakeholders. In addition, considering that in some cases of Internet Governance, private mechanisms aimed at specific expertise areas and non-State forms of cooperation are currently undergoing and working properly among the stakeholders involved, we recommend that these should be recognized, endorsed, and not duplicated within other State cooperation mechanisms in order to avoid effort duplication and regulation spheres.

6. The technical community and International Organizations should continue improving their mutual cooperation for the elaboration of the standards in favor of the interoperability, security and stability of the Internet. We encourage the internet governance community to maintain and endorse the Internet Governance Principles defined by the Technical Community,[7] as follows:

a. ***Open and inclusive participation****.*

b. ***Consensus-based****.*

c. ***Permission-less innovation****.*

d. ***Collective stewardship and empowerment****.*

e. ***Transparency****.*

f. ***Pragmatic and evidence-based approach****.*

g. ***Voluntary adoption***.

[1]Joint Declaration on Freedom of Expression and the Internet: “Freedom of expression applies to the Internet, as it does to all means of communication. Restrictions on freedom of expression on the Internet are only acceptable if they comply with established international standards, including that they are provided for by law, and that they are necessary to protect an interest which is recognised under international law”; “There should be no discrimination in the treatment of Internet data and traffic, based on the device, content, author, origin and/or destination of the content, service or application”

[2]United Nations Human Rights Council: “Affirms that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Right”

[3]Declaration of Principles: Building the Information Society: a global challenge in the new Millennium (WSIS): “Connectivity is a central enabling agent in building the Information Society. Universal, ubiquitous, equitable and affordable access to ICT infrastructure and services, constitutes one of the challenges of the Information Society and should be an objective of all stakeholders involved in building it.”

[4]Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue: “Legislation must stipulate that State surveillance of communications must only occur under the most exceptional circumstances and exclusively under the supervision of an independent judicial authority”

[5]Montevideo Statement on the Future of Internet Cooperation: “ (...) identified the need for ongoing effort to address Internet Governance challenges, and agreed to catalyze community-wide efforts towards the evolution of global multistakeholder Internet cooperation”.

[6]Declaration of Principles: Building the Information Society: a global challenge in the new Millennium (WSIS): “Governments, as well as private sector, civil society and the United Nations and other international organizations have an important role and responsibility in the development of the Information Society and, as appropriate, in decision-making processes. Building a people-centred Information Society is a joint effort which requires cooperation and partnership among all stakeholders.”

[7] Internet Collaboration Group (2014). Available at: http://www.internetcollaboration.org/ig-recommendations-itcg/