Contribution of Telefonica to NETmundial

- Area: COMBINED INTERNET GOVERNANCE PRINCIPLES AND ROADMAP
- Entitled by: Chistoph Steck
- Region: Spain
- Organization: Telefonica, S.A.
- Sector: Private Sector
- Keywords: sustainability, level-playing, open, trust

Abstract

Telefonica believes that finding a 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.

Document

Contribution of Telefonica to NETmundial

March 7th, 2014

First of all, Telefónica wants to express its support for NETmundial and congratulate the Government of Brazil for this good effort to evolve the existing model of Internet Governance through holding a multistakeholder conference and by inviting a range of

influential other governments.

Telefónica, S.A. is an active stakeholder in the Internet Governance debate and wants with these comments 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 access the Internet via mobile devices, this should also be reflected in the way the Internet is governed. To maintain this pace and give access to those still unconnected, to be able to provide them with education, vital medical and governmental services and open unprecedented opportunities for new job creation and economic growth, it is crucial that Internet policy allows also telecommunications operators to provide innovative services and encourages them to continue to invest in new networks and infrastructure.

Competition and a regulatory and policy framework that attract investments are needed to provide Internet for all and the necessary private investments to roll-out new infrastructures worldwide. Also, long-term broadband and communication investments 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 parts 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.

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.

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

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. 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 its 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.

Telefonica 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.

Telefonica therefore believes that **NETmundial** should considerthe following **key principles and outcomes for the Internet and its Governance:**

(1) Promote an Internet which is economically sustainable, interconnected, secure, stable and resilient and thereby able to build confidence for all its users globally.

(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 and flexible enough to adapt to the fast-changing nature of the Internet.

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

For Telefónica, 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”.

Telefonica believes that 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. However, 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.

Telefónica therefore believes 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.

We believe that this review needs to distinguish carefully between 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 partiesto define solutions: 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. In general the principle of subsidiarity could be considered to be able to determine which issues need to be solved at global level and which ones can be dealt with by stakeholders at local levels.

Democratically-elected 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. As already proposed by the UN working group on improvements of the IGF in 2012, it should be intended to integrate and link its outcomes better to other existing governance mechanisms. The IGF needs to be better funded and

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 ICANN and 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.