The Commonwealth Cybergovernance Model

- Area: SET OF INTERNET GOVERNANCE PRINCIPLES
- Entitled by: Lasantha De Alwis
- Region: Commonwealth Telecommunications Organisation
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Abstract

The Commonwealth Telecommunications Organisation (CTO at www.cto.int) is the oldest and largest Commonwealth entity in the field of telecommunications and ICTs with Commonwealth countries, non-Commonwealth countries and industry as members. The Commonwealth, with the CTO as the centre, provides an ideal platform to share good practices and, where appropriate, reach consensus on aspects of Cybergovernance. Guided by the Commonwealth principles, appreciating the need for inter-Commonwealth cooperation and recognizing the capabilities available within membership, the CTO has carried out a project to develop a Commonwealth Cybergovernance Model, which the members could customize according to their unique situations. The project was launched by Commonwealth ICT Ministers on 10th October 2013 in Abuja, Nigeria and the model was adopted by the ICT Ministers on 4th March 2014 in London at the Marlborough House.

Document

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Commonwealth Cybergovernance Model

1. Introduction

1.1. Recognising the central importance of the internet to Commonwealth members and following the *Abuja Declaration of Proposed Commonwealth Cybergovernance Model of 9 October 2013 and subsequent consultations*, the Commonwealth Telecommunications Organisation offers this draft set of principles for consideration and adoption during the Commonwealth ICT Ministers Forum. The principles are intended to guide Commonwealth members to plan and implement practical actions in policy development, regulation and legislation, cross-border collaboration, capacity building, technical measures and other operational activities.

2. Cyberspace – the internet and more

2.1. We are in an era of changing economic circumstances creating both opportunity and uncertainty, giving rise to new trade and economic patterns together with unforeseen threats to peace and security, and a surge in popular demands for democracy, human rights and for broadened social and economic opportunities. Previously unimagined access to information and communication between individuals across our planet is driving economic and social development in the 21st century. Cyberspace provides this access, helping us to bridge the digital divide while influencing every aspect of our economic and social activities.Cyberspace is becoming our global central nervous system.Cyberspace continues to develop at a pace unparalleled in our history - growth is anticipated from 2bn to 4bn users by 2020, many in developing countries. This pace of change necessitates urgent action in reaching consensus on Cybergovernance.

2.2. Its open, decentralised and distributed nature, that empowers the individual, has

fostered innovation, collaboration and rapid development.Enjoyment of those benefits relies upon its safety, security and resilience. Cyberspace can also be a vehicle for crime, extremism and other social ills. Governments, industry, civil society and users have a shared responsibility to tackle those threats to society. Necessary security measures may be in tension with the very features that have made Cyberspace a success and, in determining an equitable balance, our behaviour in Cyberspace will benefit from our shared Commonwealth values that govern many aspects of our lives.

3. Applying Commonwealth values in Cyberspace

3.1. The Commonwealth Charter of March 2013 reflects the values and aspirations which unite the Commonwealth - democracy, development, human rights and the rule of law. The Charter expresses the commitment of member states to the development of free and democratic societies and the promotion of peace and prosperity to improve the lives of all peoples of the Commonwealth. It also acknowledges the role of civil society in supporting the goals and values of the Commonwealth.

3.2. The principles concerning our use of Cyberspace today and the evolving nature of Cyberspace tomorrow should be derived from, should respect and reflect our shared Commonwealth values as set out in the Commonwealth Charter. Within the context of the Charter as a whole, we identify the key characteristics, which led to our principles, as exemplified in Appendix 1. This analysis is based on the principle that what is unacceptable off-line is unacceptable on-line. Priorities for practical action, in accordance with these principles, will depend on the prevailing circumstances in each country.

4. Commonwealth principles for the use of Cyberspace

4.1. As we operate in Cyberspace and work with others to shape its continuing development, we will use the following principles to guide our decisions, actions and demonstrate our progress towards meeting these principles. The principles are best considered collectively and not each in isolation without regard to the whole because frequently some are in tension with each other. We reiterate the urgency with which these

issues need to be addressed.

Principle 1: We contribute to a safe and an effective global Cyberspace

·as a partnership between public and private sectors, civil society and users, a collective creation;

·with multi-stakeholder, transparent and collaborative governance promoting continuous development of Cyberspace;

·where investment in the Cyberspace is encouraged and rewarded;

·by providing sufficient neutrality of the network as a provider of information services;

·by offering stability in the provision of reliable and resilient information services;

·by having standardisation to achieve global interoperability;

·by enabling all to participate with equal opportunity of universal access;

·as an open, distributed, interconnected internet;

·by providing an environment that is safe for its users, particularly the young and vulnerable;

·made available to users at an affordable price.

Principle 2: Our actions in Cyberspace support broader economic and social development

·by enabling innovation and sustainable development, creating greater coherence and synergy,through collaborationand the widespread dissemination of knowledge;

·respecting cultural and linguistic diversity without the imposition of beliefs;

·promoting cross-border delivery of services and free flow of labour in a multi-lateral trading system;

·allowing free association and interaction between individuals across borders;

·supporting and enhancing digital literacy;

·providing everyone with information that promotes and protects their rights and is relevant to their interests, for example to support transparent and accountable government;

·enabling and promoting multi-stakeholder partnerships;

·facilitating pan-Commonwealth consultations and international linkages in a globally connected space that also serves local interests.

Principle 3: We act individually and collectively to tackle cybercrime[5]

·nations, organisations and society work together to foster respect for the law;

·to develop relevant and proportionate laws to tackle Cybercrime effectively;

·to protect our critical national and shared infrastructures;

·meeting internationally-recognised standards and good practice to deliver security;

·with effective government structures working collaboratively within and between states;

·with governments, relevant international organisations and the private sector working closely to prevent and respond to incidents.

Principle 4: We each exercise our rights and meet our responsibilities in Cyberspace

·we defend in Cyberspace the values of human rights, freedom of expression and privacy as stated in our Charter of the Commonwealth;

·individuals, organisations and nations are empowered through their access to knowledge;

·users benefit from the fruits of their labours; intellectual property is protected accordingly;

·users can benefit from the commercial value of their own information; accordingly, responsibility and liability for information lies with those who create it;

·responsible behaviour demands users all meet minimum Cyber hygiene requirements;

·we protect the vulnerable in society in their use of Cyberspace;

·we, individually and collectively, understand the consequences of our actions and our responsibility to cooperate to make the shared environment safe; our obligation is in direct proportion to culpability and capability.

5. Practical application of these principles

5.1. Each Commonwealth member may find it beneficial to develop individually, a whole of government strategy, reflecting the many facets in making Cyberspace safe, secure, resilient and rewarding, that will address unique local needs of countries with their different regions, sectors and industries and deliver their particular economic and social priorities.

Appendix 1: Implications for cyberspace of each element of the Commonwealth Charter

a.Democracy

Our Charter says, "*We recognise the inalienable right of individuals to participate in democratic processes, in particular through free and fair elections in shaping the society in which they live...*"Used effectively, Cyberspace supports participative democracy by

offering multiple channels for citizen's engagement with the democratic process, transparency and accountability of our governments, leading to good governance and a fairer society.

b.Human Rights

Our Charter says, "*We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies...*" The operation of Cyberspace could and should respect, reflect and protect these rights as they are applied both online and offline. Widespread access to information through Cyberspace and the network of stakeholders it could help build, equips societies to protect Human Rights while supporting individuals in their quest for dignified livelihoods.

c.International peace, security and economic development

Our Charter says, "*We firmly believe that international peace and security, sustainable economicgrowth and development and the rule of law are essential to the progress and prosperity of all. We are committed to an effective multilateral system based on inclusiveness, equity, justice and international law...*"Whilst Cyberspace can give rise to some new threats to global peace, it has a significant role to play in engendering international peace by promoting understanding across cultures and communities, respect for international law andadherence to accepted norms of behaviour. The contribution Cyberspace could make to economic development is far more than the already significant contribution it is making. The operation of an open and inclusive Cyberspace, while recognising legitimate economic, security, cultural and social concerns of members, will deliver these Charter outcomes.

d.Tolerance, respect and understanding

Our Charter says, *"We emphasise the need to promote tolerance, respect, understanding, moderation and religious freedom which are essential to the development of free and democratic societies, and recall that respect for the dignity of all human beings is critical to promoting peace and prosperity. We accept that diversity and understanding the richness of our multiple identities are fundamental to the Commonwealth's principles and approach."* Cyberspace provides direct person-to-person social interactions between social, ethnic, religious and racial groups and thereby promotes respect for cultural and linguistic diversity, encouraging social development. This can help break down barriers of ignorance, suspicion and prejudice, help protect the vulnerable poor, disabled and rural, supporting these Charter outcomes.

e.Freedom of Expression

Our Charter says, "*We are committed to peaceful, open dialogue and the free flow of information, including through a free and responsible media, and to enhancing democratic traditions and strengthening democratic processes.*" Cyberspace provides the means for unparalleled channels for the free flow of information; its evolution and operation must continue to deliver the means for open and responsible dialogue.

f.Rule of Law

Our Charter says, "*We believe in the rule of law as an essential protection for the people of the Commonwealth and as an assurance of limited and accountable government...*" Our operation and use of Cyberspace must respect the law, the law must comply with international norms, and the law must be capable of protecting the people and property. As Cyberspace develops, Members must participate in the continued development of norms of behaviour and laws.

g.Good Governance

Our Charter says, "*We reiterate our commitment to promote good governance through the rule of law, to ensure transparency and accountability and to root out, both at national and international levels, systemic and systematic corruption.*"Cyberspace can support good governance of our countries through transparency and accountability of government and private sector activities.The governance of Cyberspace itself should in turn be inclusive, transparent and accountable with the active participation of governments, private sector and civil society.

h.Sustainable Development

Our Charter says, "*We recognise that sustainable development can help to eradicate poverty by pursuing inclusive growth whilst preserving and conserving natural ecosystems and promoting social equity. We stress the importance of sustainable economic and social transformation to eliminate poverty and meet the basic needs of the vast majority of the people of the world and reiterate that economic and social progress enhances the sustainability of democracy."*

Cyberspace is a doorway to the global economy and an opportunity for less developed states to participate in world markets, to develop new markets, and to commoditise their resources, promoting economic development.

"We are committed to removing wide disparities and unequal living standards as guided by internationally agreed development goals. We are also committed to building economic resilience and promoting social equity, and we reiterate the value in technical assistance, capacity building and practical cooperation in promoting development. We are committed to an effective, equitable, rules-based multilateral trading system, the freest possible flow of multilateral trade on terms fair and equitable to all, while taking into account the special requirements of small states and developing countries."

Cyberspace can help find synergies with other development work and thereby bring greater coherence to development initiatives. Through more universal access to information and to markets, Cyberspace can help remove disparities of opportunity and

the means to bring these aspirations to fruition.

i.Protecting the Environment

Our Charter says, "*We recognise the importance of the protection and conservation of our natural ecosystems and affirm that sustainable management of the natural environment is the key to sustained human development. We recognise the importance of multilateral cooperation, sustained commitment and collective action...*" The availability of previously unparalleled amounts of sensory information, through Cyberspace, helps us better manage our environment and can reveal to the public eye any emerging damage.

j.Access to Health, Education, Food and Shelter

Our Charter says, "*We recognise the necessity of access to affordable health care, education, clean drinking water, sanitation and housing for all citizens and emphasise the importance of promoting health and well-being in combating communicable and non-communicable diseases."* Access to information, reliable metrics and delivery channels offered by Cyberspace form a key part of delivering these outcomes, particularly for rural communities.

k.Gender Equality

Our Charter says, "*We recognise that gender equality and women's empowerment are essential components of human development and basic human rights. The advancement of women's rights and the education of girls are critical preconditions for effective and sustainable development.*" Cyberspace can contribute significantly to promoting gender equality and equity, supporting Millennium 2015 Development Goal 3, though this depends upon access to ICT for women and girls, particularly in rural areas. Its nature as an open source of information and its ability to empower individuals, make Cyberspace a platform to promote gender equality.

l.Importance of Young People in the Commonwealth

Our Charter says, "*We recognise the positive and active role and contributions of young people in promoting development, peace, democracy and in protecting and promoting other Commonwealth values, such as tolerance and understanding, including respect for other cultures...*" Young people, being digital natives, have embraced Cyberspace wholeheartedly and come up with numerous innovations that have enriched Cyberspace. Through education and guidance on the safe and effective use of Cyberspace, young people will channel this dynamism and creativity into higher purposes, fostering wider social understanding and triggering valuable innovation.

m.Recognition of the Needs of Small States

Our Charter says, "*We are committed to assisting small and developing states in the Commonwealth, including the particular needs of small island developing states..."* Cyberspace could help small island states surmount numerous challenges including paucity of expertise, geographic isolation and economies of scale. Cyberspace offers a gateway to global markets for small scale producers as much as for large scale producers, breaking down one of the key barriers to market entry faced by small island states.

n.Recognition of the Needs of Vulnerable States

Our Charter says, "*We are committed to collaborating to find ways to provide immediate help to the poorest and most vulnerable including least developed countries, and to develop responses to protect the people most at risk*."Cyberspace could help poorest, most marginalised and vulnerable by providing access to information and to markets for economic development.

o.The Role of Civil Society

Our Charter says, *"We recognise the important role that civil society plays in our communities and countries as partners in promoting and supporting Commonwealth values and principles..."* Cyberspace offers the means for easier and more effective engagement by individuals in society, particularly the rural, the vulnerable and marginalised. A more active civil society can help promote our values and principles in today's Cyberspace. A more active civil society can also stimulate further progress in support of our values and principles by engaging directly in the development and operation of tomorrow's Cyberspace.

p.Cyberspace itself

Our Charter recognises the transformational role of Information and Communication Technology, which underpins Cyberspace, and the need to harness its power in a positive way: *"We also recognise the importance of information and communication technologies as powerful instruments of development; delivering savings, efficiencies and growth in our economies, as well as promoting education, learning and the sharing of culture. We are committed to strengthening its use while enhancing its security, for the purpose of advancing our societies."*