INTERNET GOVERNANCE PRINCIPLES

- Area: SET OF INTERNET GOVERNANCE PRINCIPLES
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Abstract

"The NETmundial meeting aims to identify a set of universal principles to be promoted asa global inspiration for the evolution of the Internet worldwide. Those principles shouldbe viewed from the perspective of the Internet as a platform for social, economic andhuman development and a catalyzer to exercise human rights of all people of the world."

Document

In preparation of the forthcoming Global Multistakeholder Meeting on the Future of Internet Governance ("NETmundial") which will take place in Sao Paulo (Brazil) on 23-24 April 2014, this is one of two contributions of the European Commission to the open call for contributions.

The first topic of the call for contributions is "Internet Governance Principles":

"The NETmundial meeting aims to identify a set of universal principles to be promoted as a global inspiration for the evolution of the Internet worldwide. Those principles should be viewed from the perspective of the Internet as a platform for social, economic and human development and a catalyzer to exercise human rights of all people of the world."

Following the conclusions of the 2002-2005 World Summit on the Information Society (WSIS),1 a number of organisations and groups came forward with various statements of principles applying to substantive and/or procedural elements of Internet policies and governance. In most cases, each of these statements was supported by a limited set of stakeholders, or limited in geographical scope.2 The Commission is of the view that a process leading towards a more broadly supported and coherent set of principles for Internet governance would be helpful in finding common ground at the global level.

Such a coherent set of principles should serve as an agreed, high-level guidance to identify the priorities, constraints and objectives of policy and operational activities related to the future of the Internet and of its governance. Accordingly, such principles should feed into the concrete roadmap for the further evolution of the Internet governance ecosystem, both from a procedural / institutional and from a substantive point of view. The Commission is providing its views on the possible elements of a roadmap separately.

For over two years, the Commission has advocated an approach summarised by the **COMPACT** acronym:3 the Internet as a space of Civic responsibilities, One unfragmented resource governed via a Multistakeholder approach to Promote democracy and Human Rights, based on a sound technological Architecture that engenders Confidence and facilitates a Transparent governance both of the underlying Internet infrastructure and of the services which run on top of it.

More concretely, the Internet COMPACT is based on the following core beliefs:

1. **The Internet is an ecosystem in which every participant must take up its social responsibilities**. Having due regard to applicable legislation concerning the responsibilities of Internet intermediaries, in order to ensure the sustainability of the Internet from both a technological and a societal point of view it is

necessary for the global community to work together towards a common understanding both of corporate social responsibility across the whole Internet value-chain and of the

appropriate approaches to self- and co-regulation on the Internet, as a complement to regulation – which should always remain as an option but be used carefully and mindful of possible negative effects on innovation. In any case, it is essential to ensure that fundamental rights are duly respected and enforced.

2. **The Internet should remain one single unfragmented space, where all resources should be accessible in the same manner, irrespective of the location of the user and the provider**. Even when faced with complex regulatory or political challenges, filtering traffic at borders or other purely national approaches can lead to fragmentation of the Internet and could compromise economic growth and the free flow of information. This does not exclude increased efforts towards diversification of the underlying infrastructure such as local internet exchange points and transmission capacity, which can strengthen the resilience and robustness of the Internet, as well as measures necessary to protect fundamental rights and to address concerns raised by revelations of large-scale surveillance and intelligence activities.

3. **Internet-related discussions and decisions should be based on a strengthened, genuine multi-stakeholder model**. This implies that the necessary intergovernmental discussions are anchored in a multistakeholder context in the full understanding that the Internet is built and maintained by a variety of stakeholders, as well as governments. Furthermore, all decisions should be taken on the basis of principles of good governance, including transparency, accountability, and inclusiveness of all relevant stakeholders. Appropriate efforts should be made in order to counter the significant differences in the ability to participate across the various stakeholder groups to better ensure representativeness. Furthermore, it should be recognised that different stages of decision making processes each have their own requirements and may involve different sets of stakeholders. A sustainable model needs to clearly define the roles of actors in the governance process, including the role of public authorities to fulfil their public policy responsibilities consistent with human rights online. For the sake of clarity, this does not necessarily imply that the role of public 3 First presented at the occasion of the OECD's High-Level Meeting on the Internet Economy, 28.06.2011, http://ec.europa.eu/commission_2010-2014/kroes/en/blog/i-propose-a-compact-for-theinternet. authorities should be strengthened; on the contrary, it is quite possible that in certain well-defined cases the role of public authorities should be limited.

4. **The Internet should be a space subject to the same laws and norms that apply in other areas of our day-to-day lives; and where individuals can benefit from their rights, and from judicial remedies when those rights are infringed.** An open and free

Internet in which all rights and freedoms that people have offline also apply online facilitates social and democratic progress worldwide. Some states, quoting security concerns, attempt to curb global connectivity of their citizens by censorship and other restrictions. This is not acceptable. Blocking, slowing down or discrimination of content, applications and services goes against the open nature of the Internet.

5. **The technical architecture of the Internet should be able to evolve to cope with new and often unforeseen challenges**. This ability, which is based inter alia on the open and distributed nature of the Internet, based on non-proprietary standards which create low barriers of entry, should be preserved. At the same time, research, innovation and experimentation, both in the core and at the edges of the Internet, should be promoted. Furthermore, Technical details of Internet protocols and other information technology specifications can have significant public policy implications. Their design can impact on human rights such as users' data protection rights and security, their ability to access diverse knowledge and information, and their freedom of expression online. It also affects other stakeholders, including companies conducting business online. An effective multistakeholder approach to specification setting on the internet will be based on efficient mutual interactions between technical and public policy considerations5 so that technical specifications more systematically take into account public policy concerns. This is particularly important when legal rights of individuals, especially their human rights, are clearly impacted.

6. **Confidence in the Internet and its governance is a prerequisite for the realisation of the Internet's potential as an engine for economic growth and innovation.** A rising number of activities online directly contravene the exercise of fundamental rights. Cybercrime, including online child abuse, identity theft, cyber-attacks and non-cash payment fraud, and other forms of unlawful processing of personal data pose a serious threat to confidence in the use of the Internet. Large-scale surveillance and intelligence activities have also led to a loss of confidence in the Internet and its present governance arrangements. All these challenges need to be addressed urgently, with the full involvement of all stakeholders. The role of the technical community is crucial, including by ensuring confidence in IP based communications and the resilience of cryptosystems to increase the trustworthiness of IP-based communications. This would support an effective fight against cyber-crime and ensure the privacy of users.

7. **Transparent, inclusive, balanced and accountable governance of the Internet (concerning both its infrastructure and the activities which take place on top of it) is paramount for the sustainability of the Internet as a single,unfragmented resource**

. Sound multistakeholder processes remain essential for the future governance of the Internet. However, the fact that a process is claimed to be "multi-stakeholder" does not per se guarantee outcomes that are widely seen to be legitimate. Multistakeholder processes in relation to Internet policies must fulfil, beyond their consistency with fundamental rights, at least the following requirements: (a) transparency; (b) inclusiveness and balance; (c) accountability. Furthermore, the ability of public authorities that derive their powers and legitimacy from democratic processes to fulfil their public policy responsibilities - where those are compatible with universal human rights - should be ensured. This includes their right to intervene with regulation where required.

The Commission sees the Internet COMPACT as the guiding principles that will guide its efforts towards an Internet that should remain a single, open, free, unfragmented network of networks, subject to the same laws and norms that apply in other areas of our day-to-day lives. Its governance should be based on an inclusive, transparent and accountable multistakeholder model of governance, without prejudice to any regulatory intervention that may be taken in view of identified public interest objectives such as to ensure the respect for human rights, fundamental freedoms and democratic values as well as linguistic and cultural diversity and care for vulnerable persons. A safe, secure, sound and resilient architecture is the basis for trust and confidence of Internet users. At the same time, the innovation power of the Internet must be maintained. This requires careful yet robust stewardship.