# ROADMAP FOR THE FURTHER EVOLUTION OF THE INTERNET GOVERNANCE ECOSYSTEM

- Area: ROADMAP FOR THE FURTHER EVOLUTION OF THE INTERNET GOVERNANCE ECOSYSTEM
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## Abstract

"There is a broad view about the need to continue evolving the Multistakeholder InternetGovernance Ecosystem. The goals are to energize discussion and to achieve greaterconsensus of the community including a broader range of stakeholders to providepossible means for developing solutions to specific problems faced bygovernments/stakeholders. There are several ongoing initiatives trying to contribute withthat objective. The meeting and related discussions will be an important milestone tosupport the developing multistakeholder consensus on important governance issues. Itcould serve as valuable inputs to other forums, seek for more clarification and pursueagreements for the way forward."

## 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 the second of two contributions of the European Commission in response to the open call for contributions.

The second topic of the call for contributions is "Roadmap for the Further Evolution of the Internet Governance Ecosystem":

*"There is a broad view about the need to continue evolving the Multistakeholder Internet Governance Ecosystem. The goals are to energize discussion and to achieve greater consensus of the community including a broader range of stakeholders to provide possible means for developing solutions to specific problems faced by governments/stakeholders. There are several ongoing initiatives trying to contribute with that objective. The meeting and related discussions will be an important milestone to support the developing multistakeholder consensus on important governance issues. It could serve as valuable inputs to other forums, seek for more clarification and pursue agreements for the way forward."*

The working definition of "Internet governance",1 agreed as part of the conclusions of the 2002-2005 World Summit on the Information Society (WSIS),2 was carefully designed, following extensive multi-stakeholder discussions within the ad hoc Working Group on Internet Governance,3 as a dynamic concept that could be adapted to the evolving challenges and opportunities of a growing Internet.

Indeed, a number of parallel discussions and conversations o/Users/Toccos/Desktop/x.txtn the possible evolution and future of global Internet governance frameworks are taking place throughout the world. Although such variety of discussions can be beneficial in ensuring that a diversity of viewpoints can contribute to the reflection, there is a clear risk that a multiplicity of fora may lead to duplication of efforts and, most importantly, to the exclusion and disenfranchisement of persons and organisations with less resources. This is precisely the opposite of what should happen if we want the future of the global Internet and of its governance to be seen as truly legitimate.

Therefore, the European Commission welcomes the objective of NETmundial to act as a catalyser in finding commonalities and a shared understanding of the most important steps in front of us. The most useful result of the NETmundial meeting would be for the

Internet community to clearly identify risks and opportunities as well as work-streams, relevant actors and corresponding mandates for action. NETmundial should be seen as an essential milestone in the context of the several discussions and processes that are taking place, including within the UN Working Group on Enhanced Cooperation, the WSIS+10 review, the Internet Governance Forum process and the 2014 ITU Plenipotentiary conference. In this spirit, the

In this spirit, the European Commission would like to offer a number of concrete and operational suggestions towards a shared roadmap for the evolution of the Internet governance ecosystem. These concrete suggestions are based on the core principles that guide the activities of the Commission when it comes to Internet – the Internet COMPACT, which has been outlined in the separate submission on "Internet principles":

1. In order to further strengthen the multi-stakeholder model, operational guidelines should be developed, based on an exchange of best practice, in order to ensure that multi-stakeholder processes in relation to Internet policies fulfil – beyond their consistency with fundamental rights – at least the following requirements:

a. **Transparency**. All stakeholders must have meaningful access to and information on the organisational processes and procedures under which the body operates. This should prevent in particular any proxy activity for silent stakeholders.

b. **Inclusiveness and Balance**. Those responsible for an inclusive process must make a reasonable effort to reach out to all parties impacted by a given topic, and offer fair and affordable opportunities to participate and contribute to all key stages of decision making, while avoiding capture of the process by any dominant stakeholder or vested interests.

c. **Accountability**. There should be clear, public commitments to give regular account to its stakeholders or independent supervisory bodies, and to allow any party to seek redress through effective dispute resolution mechanisms.

Appropriate leeway should be left to each relevant organisation, process or forum to

identify the most suitable way to decline the general approach to their specific challenges and constraints, in a spirit of subsidiarity.4

As part of this reflection, it is essential to come to a shared understanding and clear definition on 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. The European Commission is ready to work with other stakeholders in order to develop such guidelines.

2. Stronger interactions between stakeholders involved in Internet governance should be fostered via issue-based dialogues, instead of through new bodies. This would allow relevant stakeholders to address specific challenges across structural and organisational boundaries. Often, similar discussions on Internetrelated policies take place across these different organisations, with a considerable overlap of people and topics. This leads both to a "silo" mentality and to a "discussion fatigue". In addition, this tends to exclude people and groups which do not have the necessary resources (in terms of time, knowledge, funding) to follow all of them.

**A different "cross-cutting" approach**, through which the focus is on the specific topic of discussion (e.g. privacy, security, consumer protection, human rights) rather than on the organisation / forum which is assumed to be the "right" place to hold that discussion, should be sought. Appropriate supporting tools should be developed, allowing interested parties to be involved on specific topics discussed in multiple fora at the same time.

The European Commission is launching the technical development of the Global Internet Policy Observatory (GIPO) in 2014 as one such tool and as a resource for the global community;5 the Commission further welcomes the cooperation of all interested parties in this initiative.

3. The Internet has become a key infrastructure with global dimensions. It works well without structural oversight by international intergovernmental bodies. At the same time, greater international balance within the existing structures can increase the legitimacy of

current governance arrangements. Accordingly, concrete and actionable steps, including a clear timeline, should be identified in order to:

a. **Globalise the IANA functions**, whilst safeguarding the continued stability and security of the domain name system.

b. **Globalise ICANN**, including its Affirmation of Commitments.

In carrying this out, the continued stability and security of the Domain Name System shall be safeguarded.

The European Commission is optimistic, given the positive signals from leading national actors, that a shared vision to achieve the above goals can be validated at the NETmundial meeting. The Commission believes that although all stakeholders, including governments and public authorities, should contribute to the debate in all relevant fora, the natural place to take these action forward from an operational point of view would be ICANN itself and the communities working within and with ICANN.

4. Mutually respectful dialogues between all stakeholders on the future development of global Internet governance are essential given the global economic and societal importance of the Internet. The Internet Governance Forum (IGF) has emerged from the World Summit on Information Society (WSIS) to facilitate forward-looking discussions amongst all stakeholders, many of whom had not cooperated closely before. It is important, however, to improve the quality and format of IGF outcomes to enhance its impact on global Internet governance and policy. The European Commission is confident that a strengthened IGF will progressively become an important driver of successful Internet governance; however, these necessary improvements should not be a reason to delay other urgently needed activities.

Accordingly, the IGF should be strengthened, taking account of the Recommendations of the Working Group on Improvements to the IGF.6 The Commission is already a key financial contributor to the IGF Secretariat and to the general activities of the IGF, and

stands ready to cooperate with all other stakeholders to strengthen the IGF along the above-mentioned lines.

5. Technical details of Internet protocols and other information technology specifications can have significant public policy implications. Even where the technical discussion process is open, key decisions are frequently made by technical experts in the absence of broad stakeholder representation. An effective multistakeholder approach to specification setting on the internet will be based on efficient mutual interactions between technical and public policy considerations7 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. The implications of this evolution in norm setting in relation to the Internet require an open public debate with all concerned.

The Commission proposes to convene, together with interested parties, a series of workshops with international experts in law, ethics8, social sciences, economics, international relations and technology, in order to develop concrete and actionable recommendations to ensure coherence between existing normative frameworks and new forms of Internet-enabled norm-setting.

Furthermore, all stakeholders should strengthen (and where appropriate create) structured mechanisms to allow regular, early and truly inclusive upstream participation, review and comment in technical decisions. These structured mechanisms should also strive towards consistency of technical decisions with human rights. The Commission stands ready to discuss with relevant stakeholders the best options to achieve this objective.

6. Like other cross-border activities, the Internet poses a series of challenges for the application of laws. While such challenges are not always specific to the Internet, the sheer quantity of cross-border transactions of various types which take place online, call for a more thorough reflection on how existing rules apply on the Internet. Furthermore, many activities on the Internet are increasingly governed by contractual arrangements between private companies and users on the Internet. Non-contractual obligations of e-commerce traders and intermediaries are also relevant in this context. The complexity and, in some cases, the opaqueness of these arrangements, including for what concerns

provisions on applicable jurisdiction and law, may give rise to a certain degree of legal uncertainty.

The European Commission plans to **launch an in-depth review of the risks, at international level, of conflicts of laws and jurisdictions arising on the Internet and assess all mechanisms, processes and tools available and necessary to solve such conflicts. Cooperation with existing or planned initiatives** would help identifying globally shared solutions in the mid- to longterm.

The Commission sees the above steps as key elements of a concrete roadmap for the evolution of the Internet governance ecosystem. For the European Commission, the end goal is 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.