ICC BASIS Submission on Internet Governance Principles and Roadmap for the further Evolution of the Internet Governance Ecosystem

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Abstract

Members of the International Chamber of Commerce?s (ICC) initiative Business Action to Support the Information Society (BASIS) are pleased to contribute Global Internet Governance Principles and considerations for a Roadmap for the further Evolution of the Internet Governance Ecosystem as input into the Global Multistakeholder Meeting on the Future of Internet Governance, to be held 23 - 24 April 2014 in Sao Paulo, Brazil. Business focuses in this submission on a) five principles that are deemed most relevant for businesses worldwide: 1) a secure, open and interoperable network, 2) cross-border flow of data and information, 3) improving access, 4) supporting the rule of law, 5) protecting the application of rights, and 5) the continuation of the multistakeholder governance model, as well as on b) considerations for a roadmap for the further evolution of the Internet governance ecosystem.

Document

Section 1:

Internet Governance Principles

Members of the International Chamber of Commerce's (ICC) initiative Business Action to Support the Information Society (BASIS) are pleased to contribute these Global Internet Governance Principles as input into the Global Multistakeholder Meeting on the Future of Internet Governance, to be held 23 - 24 April 2014 in Sao Paulo, Brazil. Business focuses in this submission on five principles that are deemed most relevant for businesses worldwide: 1) a secure, open and interoperable network, 2) cross-border flow of data and information, 3) improving access, 4) supporting the rule of law, 5) protecting the application of rights, and 5) the continuation of the multistakeholder governance model.

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The multistakeholder model approach to Internet governance has created decentralized structures that govern the Internet, which in turn has fostered unprecedented economic, social, and political development. The Internet has enabled individuals to access information and services, to connect and to communicate, and to share ideas and knowledge globally. It has become a powerful engine for technological innovation, economic growth and the preservation and promotion of cultural diversity.

Members of ICC BASIS depend on a thriving Internet to do business in a variety of industry sectors and markets, throughout the world. In particular, we rely upon on a safe, secure, open, interoperable, and sustainable Internet in order to stay connected with customers, business associates and end users. And we believe that the multistakeholder model, as continually strengthened and evolved, will serve our shared interest in a stable and sustainable Internet. Indeed, it is precisely because of this multistakeholder governance model that the Internet has grown into the platform for economic growth that it is today.

As we look toward the future, we see the following principles as vital to the success of any future model of Internet governance.

Functionality, security, stability and resiliency of the network: Policies must ensure a safe, secure, open, interoperable, resilient, seamless and sustainable Internet.

Cross-border flow of data and information: Business stresses the need and importance of cross-border data flows to the functioning of the digital economy and continued achievement of the Information Society. While we recognize the need to comply with local laws, including those on privacy and security, they should be consistent with established trade rules.

Improving and expanding access to the Internet: Policies should stimulate sustainable investment and deployment of Internet networks and industries, and services that create demand for those networks. In particular, policies and regulatory frameworks should support innovation, investment, and competition, including the protection of intellectual property. Standards should be designed to facilitate interoperability. Efforts to foster local content, improve cultural and linguistic diversity, and bring access to all global citizens, particularly to those in developing countries, should be supported.

Rule of law: Policies should support the rule of law, which governments have primary responsibility for advancing.

Application of rights: Offline rights should apply online, especially with respect to freedom of expression and human rights.

Making decisions in open consultation with all stakeholders: Any discussion about Internet governance principles, frameworks or processes, should be conducted in a multistakeholder format. All stakeholders should be appropriately represented in a transparent and accountable decision-making process.

Business Action to Support the Information Society (BASIS)

ICC created BASIS to raise awareness among the public, governments, civil society, intergovernmental organizations and technical community of what business requires to continue contributing to the development of the Information Society. It serves as the voice of business in the global dialogue on the Information Society, following two World Summits on the Information Society (WSIS) held in Geneva (2003) and Tunis (2005).

To promote the environment in which business around the world will continue to thrive as an innovator of information and communication technologies, BASIS participates in UN-linked forums set up to continue the dialogue, such as the Internet Governance Forum (IGF) and the WSIS follow up and implementation processes, particularly through the UN Commission on Science and Technology for Development.

To help shape the agenda and participate in these global discussions, BASIS relies on the policies developed in ICC's Commission on the Digital Economy as the foundation for its efforts.

BASIS builds on the activities and network of the Coordinating Committee of Business Interlocutors (CCBI), which ICC formed to coordinate participation by world business in the processes leading up to, and at WSIS.

BASIS members include business organizations such as the Africa Information & Communication Technologies Alliance (AfICTA), the Computer Society of India, and the World Information Technology and Services Alliance (WITSA) as well as several ICC national committees and companies from across sectors and geographies.

BASIS is an initiative of the International Chamber of Commerce (ICC), an organization composed of hundreds of thousands of member companies and associations from over 120 countries.

For further information regarding BASIS, the partners, members and activities, visit:

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Section 2:

Roadmap for the Further Evolution of the Internet Governance Ecosystem

Members of the International Chamber of Commerce's (ICC) initiative Business Action to Support the Information Society (BASIS) are pleased to contribute these considerations for a roadmap for the further evolution of the Internet governance ecosystem as input into the Global Multistakeholder Meeting on the Future of Internet Governance, to be held 23 - 24 April 2014 in Sao Paolo, Brazil.

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Business welcomes the opportunity to underscore the strength of existing mechanisms and the multi-stakeholder processes of Internet governance

In view of the increased relevance of the Internet to our society and economy, business supports the opportunity to examine the existing mechanisms of Internet governance, so

that the stakeholder groups can identify areas of improvement of these mechanisms.

The strength of the current distributed, bottom-up Internet governance process is not only in its open and inclusive participation model, and the legitimacy and credibility that model fosters, but also its flexibility to rapidly adapt to changing technologies and issues. For example, local and regional IGF processes are an effective way to expand participation in Internet governance debate and create a healthy exchange of ideas at the grassroots level, while also feeding into the global IGF. The NetMundial meeting in Brazil can contribute to the positive elements of enhanced cooperation and appropriate, meaningful multistakeholder participation and inclusion through both the principles and the road map.

The existing multi-stakeholder environment is rich with opportunities to address governance issues and to vet the perceived need for further mechanisms or processes

Business favours using existing organizations, institutions and processes for any Internet governance framework discussion.

Some governments have highlighted a concern about certain Internet-related policy or technical issues for which they cannot identify relevant existing mechanisms to address their perceived problems. We feel it is important to note that business, in contributing to the CSTD Working Group on Enhanced Cooperation's (WGEC) current mapping exercise, identified more than 40 international venues, organizations, and private sector, technical

community, and civil society initiatives that have been established to address a broad range of Internet public policy and technical issues.

The upcoming launch of the European Commission's Global Internet Policy Observatory (GIPO) will provide another valuable online resource on Internet policy, regulations and technology, and better enable emerging economies in particular to engage on Internet governance and policy matters.

The Global Multistakeholder Meeting on the Future of Internet Governance serves as an opportunity to review and build on existing work and develop a good process for: (1) identifying issues that do not appear to addressed yet, (2) exchanging information on solution mechanisms already available to address these issues, or (3) considering whether new mechanisms need to be developed.

There is a risk that establishing new mechanisms or models, without a thorough and methodical assessment could drain resources and result in reduced participation by all stakeholders in existing efforts. Business seeks to avoid the development of new mechanisms that duplicate existing efforts and supports efforts to strengthen and expand existing mechanisms to address outstanding issues, to ensure that the Internet remains a vibrant platform for economic growth and innovation.

The evolution and improvement of Governance Mechanisms

The evolution of Internet governance principles, frameworks and accountability mechanisms is a process that must proceed through careful work and analysis. It is important to better understand the various alternative options for further progress. It is important to ensure that any changes would contribute to enhancing the security, stability, privacy, resiliency, and interoperability of the global Internet, while also ensuring the rule of law and economical and societal benefits.

Business is interested in pursuing a credible and productive discussion and examination of possible improvements to existing governance mechanisms, including issues related to globalization. There are many concerns that have been raised related to the need for greater globalization of Internet Governance mechanisms. Despite the many years where people have been discussing this issue the topic still means different things to different people. Among the issues: the need for greater geographic diversity, which might mean a need for greater inclusion, participation, transparency or oversight; applicable law and jurisdiction, contractual obligations and various elements of technical mechanisms. One of the main purposes served by these governance mechanisms is the continued stability, functionality and interoperability of the unique and global Internet. Any improvements to Internet governance mechanisms must at a minimum assure that continued stability, functionality and interoperability, while providing a continued evolutionary process improvement, diminished threat of harm or other enhanced governance outcomes.

For instance, any adjustments to the current structure of the IANA contract must be considered and conducted in a deliberate and cautious manner, to ensure that no

incremental risk or instability is introduced into IANA's functions, including the root zone management process and must recognize and respect other existing agreements related to the IANA functions. The goal in all facets of Internet governance is to ensure consumer and user trust in the Internet as a means of speech, creativity, innovation and legitimate commerce.

Business stresses the need to proceed methodically and carefully with any proposed change, so as to not impose unintended consequences and risks. In this regard, any transition process for IANA and its functions must begin with a clear understanding of what "globalization" should mean. The global stakeholder community would need to be fully engaged not only in developing milestones and timelines for the "globalization" of these critical functions, but also to ensuring the reliability and accountability of any such plan to the security and stability of the global Internet.

We welcome an opportunity to review the process by which potential issues are identified and addressed by mechanisms in the multistakeholder environment

Business is examining how global stakeholders should pursue a voluntary, transparent, inclusive and methodical process for considering mechanisms to addressed perceived governance or operational problems. This process should include the following elements:

1. A potential issue should be first identified to the global stakeholder community, indicating what the implications of the issue are to governance and to determine whether

the issue has already been addressed in an existing mechanism or identify the appropriate mechanism to address the issue.

2. Once the issue has been assessed, any proposed solution should then be fully described to the global stakeholder community.

3. The proposed solution should then be analysed to determine whether it would violate the principle of “first, do no harm” to the functionality, stability and interoperability of the unique and global Internet.

4. Finally, the solution should then be thoroughly evaluated to determine its potential effectiveness to address the problem as well as the potential for possible unintended consequences or burdens.

Another concern for business in any Internet governance discussion is to counter the growing trend of imposing new barriers to the growth of the Internet as a global platform for economic and social development. In this context, business supports the development of legal rules and policy frameworks that lead to certainty and to predictable outcomes that will foster the continued development of the Internet as a global platform for commerce, services and content.

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