

## **NETmundial Multistakeholder Statement**

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## **PREAMBLE**

This is the non-binding outcome of a bottom-up, open, and participatory process involving thousands of people from governments, private sector, civil society, technical community, and academia from around the world. The NETmundial conference was the first of its kind. It hopefully contributes to the evolution of the Internet governance ecosystem.

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## INTRODUCTION

The Global Multistakeholder Meeting on the Future of Internet Governance, also known as NETmundial, is convened to discuss two important issues relevant for the future evolution of the Internet, in an open and multistakeholder fashion:

1. Internet Governance Principles, and
2. Roadmap for the future evolution of the Internet Governance Ecosystem

The recommendations in this document have been prepared with the view to guiding NETmundial to consensus. This has been a collaborative effort among representatives of all stakeholder groups.

More than 180 contributions have been received from all stakeholders around the globe. Those contributions have been taken as the basis for the elaboration of the recommendations submitted here to the participants of NETmundial towards the development of broad consensus.

The recommendations of NETmundial are also intended to constitute a potentially valuable contribution for use in other Internet governance related fora and entities.

## 1. INTERNET GOVERNANCE PRINCIPLES

NETmundial identified a set of common principles and important values that contribute for an inclusive, multistakeholder, effective, legitimate, and evolving Internet governance framework and recognized that the Internet is a global resource which should be managed in the public interest.

### HUMAN RIGHTS AND SHARED VALUES

Human rights are universal as reflected in the Universal Declaration of Human Rights and that should underpin Internet governance principles. Rights that people have **offline** must also be protected **online**, in accordance with international human rights legal obligations, including the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, and the Convention on the Rights of Persons with Disabilities. Those rights include, but are not limited to:

- **Freedom of expression:** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
- **Freedom of association:** Everyone has the right to peaceful assembly and association online, including through social networks and platforms.
- **Privacy:** The right to privacy must be protected. This includes not being subject to arbitrary or unlawful surveillance, collection, treatment and use of personal data. The right to the protection of the law against such interference should be ensured.
  - Procedures, practices and legislation regarding the surveillance of communications, their interception and collection of personal data, including mass surveillance, interception and collection, should be reviewed, with a view to upholding the right to privacy by ensuring the full and effective implementation of all obligations under international human rights law.
- **Accessibility:** persons with disabilities should enjoy full access to online resources Promote the design, development, production and distribution of accessible information, technologies and systems on the internet.
- **Freedom of information and access to information:** Everyone should have the right to access, share, create and distribute information on the Internet, consistent with the rights of authors and creators as established in law.
- **Development:** all people have a right to development and the Internet has a vital role to play in helping to achieve the full realization of internationally agreed sustainable development goals. It is a vital tool for giving people living in poverty the means to participate in development processes.

## **PROTECTION OF INTERMEDIARIES**

Intermediary liability limitations should be implemented in a way that respects and promotes economic growth, innovation, creativity and free flow of information. In this regard, cooperation among all stakeholders should be encouraged to address and deter illegal activity, consistent with fair process.

## **CULTURE AND LINGUISTIC DIVERSITY**

Internet governance must respect, protect and promote cultural and linguistic diversity in all its forms.

## **UNIFIED AND UNFRAGMENTED SPACE**

Internet should continue to be a globally coherent, interconnected, stable, unfragmented, scalable and accessible network-of-networks, based on a common set of unique identifiers and that allows data packets/information to flow freely end-to-end regardless of the lawful content.

## **SECURITY, STABILITY AND RESILIENCE OF THE INTERNET**

Security, stability and resilience of the Internet should be a key objective of all stakeholders in Internet governance. As a universal global resource, the Internet should be a secure, stable, resilient, reliable and trustworthy network. Effectiveness in addressing risks and threats to security and stability of the Internet depends on strong cooperation among different stakeholders.

## **OPEN AND DISTRIBUTED ARCHITECTURE**

The Internet should be preserved as a fertile and innovative environment based on an open system architecture, with voluntary collaboration, collective stewardship and participation, and upholds the end-to-end nature of the open Internet, and seeks for technical experts to resolve technical issues in the appropriate venue in a manner consistent with this open, collaborative approach.

## ENABLING ENVIRONMENT FOR SUSTAINABLE INNOVATION AND CREATIVITY

The ability to innovate and create has been at the heart of the remarkable growth of the Internet and it has brought great value to the global society. For the preservation of its dynamism, Internet governance must continue to allow permissionless innovation through an enabling Internet environment, consistent with other principles in this document. Enterprise and investment in infrastructure are essential components of an enabling environment.

## INTERNET GOVERNANCE PROCESS PRINCIPLES

- **Multistakeholder:** Internet governance should be built on democratic, multistakeholder processes, ensuring the meaningful and accountable participation of all stakeholders, including governments, the private sector, civil society, the technical community, the academic community and users. The respective roles and responsibilities of stakeholders should be interpreted in a flexible manner with reference to the issue under discussion.
- **Open, participative, consensus driven governance:** The development of international Internet-related public policies and Internet governance arrangements should enable the full and balanced participation of all stakeholders from around the globe, and made by consensus, to the extent possible.
- **Transparent:** Decisions made must be easy to understand, processes must be clearly documented and follow agreed procedures, and procedures must be developed and agreed upon through multistakeholder processes.
- **Accountable:** Mechanisms for independent checks and balances as well as for review and redress should exist. Governments have primary, legal and political accountability for the protection of human rights
- **Inclusive and equitable:** Internet governance institutions and processes should be inclusive and open to all interested stakeholders. Processes, including decision making, should be bottom-up, enabling the full involvement of all stakeholders, in a way that does not disadvantage any category of stakeholder.
- **Distributed:** Internet Governance should be carried out through a distributed, decentralized and multistakeholder ecosystem.
- **Collaborative:** Internet governance should be based on and encourage collaborative and cooperative approaches that reflect the inputs and interests of stakeholders.
- **Enabling meaningful participation:** Anyone affected by an Internet governance process should be able to participate in that process. Particularly,

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Internet governance institutions and processes should support capacity building for newcomers, especially stakeholders from developing countries and underrepresented groups.

**Access and low barriers:** Internet governance should promote universal, equal opportunity, affordable and high quality Internet access so it can be an effective tool for enabling human development and social inclusion. There should be no unreasonable or discriminatory barriers to entry for new users. Public access is a powerful tool for providing access to the Internet.

- **Agility:** Policies for access to Internet services should be future oriented and technology neutral, so that they are able to accommodate rapidly developing technologies and different types of use.

## OPEN STANDARDS

Internet governance should promote open standards, informed by individual and collective expertise and decisions made by rough consensus, that allow for a global, interoperable, resilient, stable, decentralized, secure, and interconnected network, available to all. Standards must be consistent with human rights and allow development and innovation.

## **2. ROADMAP FOR THE FUTURE EVOLUTION OF THE INTERNET GOVERNANCE**

The objective of this proposed roadmap for the future evolution of Internet governance is to outline possible steps forward in the process of continuously improving the existing Internet governance framework ensuring the full involvement of all stakeholders in their respective roles and responsibilities.

The Internet governance framework is a distributed and coordinated ecosystem involving various organizations and fora. It must be inclusive, transparent and accountable, and its structures and operations must follow an approach that enables the participation of all stakeholders in order to address the interests of all those who use the Internet as well as those who are not yet online.

The implementation of the Tunis Agenda has demonstrated the value of the multistakeholder model in Internet governance. The valuable contribution of all stakeholders to Internet governance should be recognized. Due to the successful experiences this model should be further strengthened, improved and evolved.

Internet governance should promote sustainable and inclusive development and for the promotion of human rights. Participation should reflect geographic diversity and include stakeholders from developing, least developed countries and small island developing states.

### **I. Issues that deserve attention of all stakeholders in the future evolution of Internet governance.**

1. Internet governance decisions are sometimes taken without the meaningful participation of all stakeholders. It is important that multistakeholder decision-making and policy formulation are improved in order to ensure the full participation of all interested parties, recognizing the different roles played by different stakeholders in different issues.
2. Enhanced cooperation as referred to in the Tunis Agenda to address international public policy issues pertaining to the Internet must be implemented on a priority and consensual basis. Taking into consideration the efforts of the CSTD working group on enhanced cooperation, it is important that all stakeholders commit to advancing this discussion in a multistakeholder fashion.
3. Stakeholder representatives appointed to multistakeholder Internet governance processes should be selected through open, democratic, and transparent processes. Different stakeholder groups should self-manage their processes based on inclusive, publicly known, well defined and accountable mechanisms.
4. There is a need to develop multistakeholder mechanisms at the national level owing to the fact that a good portion of Internet governance issues should be tackled at this level. National multistakeholder mechanisms should serve as a link between



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local discussions and regional and global instances. Therefore a fluent coordination and dialogue across those different dimensions is essential.

5. There should be meaningful participation by all interested parties in Internet governance discussions and decision-making, with attention to geographic, stakeholder and gender balance in order to avoid asymmetries.
6. Enabling capacity building and empowerment through such measures such as remote participation and adequate funding, and access to meaningful and timely information are essential for promoting inclusive and effective Internet governance.
7. All stakeholders should renew their commitment to build a people centered, inclusive and development oriented Information Society as defined by the WSIS outcome documents. Therefore in pursuing the improvements of the Internet governance ecosystem, the focus on development should be retained.
8. Internet governance discussions would benefit from improved communication and coordination between technical and non-technical communities, providing a better understanding about the policy implications in technical decisions and technical implications in policy decision-making.

## II. Issues dealing with institutional improvements.

1. All of the organizations with responsibilities in the Internet governance ecosystem should develop and implement principles for transparency, accountability and inclusiveness. All such organizations should prepare periodic reports on their progress and status on these issues. Those reports should be made publicly available.
2. Consideration should be given to the possible need for mechanisms to consider emerging topics and issues that are not currently being adequately addressed by existing Internet governance arrangements.
3. There is a need for a strengthened Internet Governance Forum (IGF). Important recommendations to that end were made by the UN CSTD working group on IGF improvements. It is suggested that these recommendations will be implemented by the end of 2015.

Improvements should include inter-alia:

- a. Improved outcomes: Improvements can be implemented including creative ways of providing outcomes/recommendations and the analysis of policy options;
- b. Extending the IGF mandate beyond five-year terms;
- c. Ensuring guaranteed stable and predictable funding for the IGF, including through a broadened donor base, is essential;
- d. The IGF should adopt mechanisms to promote worldwide discussions between meetings through intersessional dialogues.

A strengthened IGF could better serve as a platform for discussing both long standing and emerging issues with a view to contributing to the identification of possible ways to address them.

4. There should be adequate communication and coordination among existing forums, task forces and organizations of the Internet governance ecosystem. Periodic reports, formal liaisons and timely feedbacks are examples of mechanisms that could be implemented to that end. It would be recommendable to analyze the option of creating Internet governance coordination tools to perform on-going monitoring, analysis, and information-sharing functions.

5. In the follow up to the recent and welcomed announcement of US Government with regard to its intent to transition the stewardship of IANA functions, the discussion about mechanisms for guaranteeing the transparency and accountability of those functions after the US Government role ends, has to take place through an open process with the participation of all stakeholders extending beyond the ICANN community.

The IANA functions are currently performed under policies developed in processes hosted by several organizations and forums. Any adopted mechanism should protect the bottom up, open and participatory nature of those policy development processes and ensure the stability and resilience of the Internet. It is desirable to discuss the adequate relation between the policy and operational aspects.

This transition should be conducted thoughtfully with a focus on maintaining the security and stability of the Internet, empowering the principle of equal participation among all stakeholder groups and striving towards a completed transition by September 2015.

6. It is expected that the process of globalization of ICANN speeds up leading to a truly international and global organization serving the public interest with clearly implementable and verifiable accountability and transparency mechanisms that satisfy requirements from both internal stakeholders and the global community.

The active representation from all stakeholders in the ICANN structure from all regions is a key issue in the process of a successful globalization.

### **III. Issues dealing with specific Internet Governance topics**

#### **1. Security and Stability**

a. It is necessary to strengthen international cooperation on topics such as jurisdiction and law enforcement assistance to promote cybersecurity and prevent cybercrime. Discussions about those frameworks should be held in a multistakeholder manner.

b. Initiatives to improve cybersecurity and address digital security threats should involve appropriate collaboration among governments, private sector, civil society, academia and technical community. There are stakeholders that still need to become more involved with cybersecurity, for example, network operators and software developers.

c. There is room for new forums and initiatives. However, they should not duplicate, but add to current structures. All stakeholders should aim to leverage from and improve these already existing cybersecurity organizations. The experience accumulated by several of them demonstrates that, in order to be effective, any

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cybersecurity initiative depends on cooperation among different stakeholders, and it cannot be achieved via a single organization or structure.

2. Mass and arbitrary surveillance undermines trust in the Internet and trust in the Internet governance ecosystem. Collection and processing of personal data by state and non-state actors should be conducted in accordance with international human rights law. More dialogue is needed on this topic at the international level using forums like the Human Rights Council and IGF aiming to develop a common understanding on all the related aspects.

3. Capacity building and financing are key requirements to ensure that diverse stakeholders have an opportunity for more than nominal participation, but in fact gain the knowhow and the resources for effective participation. Capacity building is important to support the emergence of true multistakeholder communities, especially in those regions where the participation of some stakeholder groups needs to be further strengthened.

## IV. Points to be further discussed beyond NETmundial:

Several contributions to NETmundial identified the following non-exhaustive list of points that need better understanding and further discussion in appropriate fora:

- Different roles and responsibilities of stakeholders in Internet governance, including the meaning and application of equal footing.
- Jurisdiction issues and how they relate to Internet governance.
- Benchmarking systems and related indicators regarding the application of Internet governance principles.
- Net neutrality: there were very productive and important discussions about the issue of net neutrality at NETmundial, with diverging views as to whether or not to include the specific term as a principle in the outcomes. The principles do include concepts of an Open Internet and individual rights to freedom of expression and information. It is important that we continue the discussion of the Open Internet including how to enable freedom of expression, competition, consumer choice, meaningful transparency and appropriate network management and recommend that this be addressed at forums such as the next IGF.

## V. Way Forward

All the organizations, forums and processes of the Internet governance ecosystem are encouraged to take into account the outcomes of NETmundial.

It is expected that the NETmundial findings and outcomes will feed into other processes and forums, such as the post 2015 development agenda process, WSIS+10, IGF, and all Internet governance discussions held in different organizations and bodies at all levels.

The follow up and future discussions of topics listed in this document should inform work convened by existing entities or bodies. They are invited to report on their works in major Internet governance meetings.

*Note from secretariat, April 25<sup>th</sup>: the agreed text on net neutrality (Part 2, Section IV) had an editorial correction based on the text negotiated in the EMC and then carefully read out, seen and approved by the HLMC. Exiguous time during the final edition before the closing ceremony prevented the Secretariat to include the explanatory text that follows the net neutrality bullet.*