

The Brazilian position on global Internet governance in 14 points

[Note: this text was written to collaborate in the World Summit of the Information Society (WSIS) preparatory process regarding the creation of a UN Internet Governance Forum. The 2nd edition of the Summit was held in Tunis, in November, 2005.]

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Although details of the Brazilian position on Internet governance are still being discussed, consensus is being reached around a 14-point proposal regarding a Global Forum. Each of these are presented below.

1. The Forum should be a global space for coordination and discussion of all governance issues, as well as to support development of global policies for the Internet.

The Forum here is seen as a policy formulator operating, depending on the issue, in advisory, authoritative, coordination, oversight, and/or arbitration roles. It gets input from already existing technical, regulatory and advisory agencies and organizations, and is regarded by these entities as authoritative on Internet-related matters pertaining to their fields of activity. This point shows there is a lot of work to be done in establishing precise roles and specific mechanisms (including delegation of roles to organizations either existing or to be created) at different levels and instances of oversight, regulation, arbitration and so on.

2. The Forum should coordinate a broad spectrum of governance themes.

This point is singled out to emphasize the importance of an overall mechanism in response to the non-existence of a governance instance consolidating all Internet-related issues.

3. The Forum should be pluralist (multistakeholder).

The Brazilian vision here is similar to the one adopted for its national governance body. The way it envisions national governments' participation is described in the following topic.

4. The Forum should include an intergovernmental mechanism through which governments exert their responsibilities regarding Internet-related aspects of public policy.

This is one of the most relevant topics in the Brazilian proposal, and depending on the way it is presented it raises some controversy – particularly from the camp which wants to extend the ICANN model to all aspects of global governance. Brazil clearly wants a forum with full participation of all sectors in the building of recommendations and definitions of policies and international agreements. However, recommendations or regulations which are seen by governments to have implications in national public policy should be considered by the Forum's intergovernmental instance before any approval, following a clearly established procedure. Contrary to certain declarations or interpretations, there is no mention of the ITU or any other existing body as a replacement for ICANN in the governance of the logical infrastructure.

Of practical relevance is the fact that Brazil does not see the intergovernmental instance of the Forum discussing and deliberating on all issues as a separate body. Rather it envisions representatives of the intergovernmental instance participating in the overall processes of the Forum, which will remit to that instance the national policy-related issues only.

5. The Forum, and any global governance instance, should not be under the jurisdiction of any specific country.

This is the expression of the WGIG Report's paragraph 48, which states:

“The WGIG recognized that any organizational form for the governance function/oversight function should adhere to the following principles:

- No single Government should have a pre-eminent role in relation to international Internet*

governance.

- *The organizational form for the governance function will be multilateral, transparent and democratic, with the full involvement of Governments, the private sector, civil society and international organizations.*
- *The organizational form for the governance function will involve all stakeholders and relevant intergovernmental and international organizations within their respective roles.”*

In addition, Brazil sees the Global Forum as an international organism formally recognized by the United Nations, and legitimized by a specific international treaty.

6. The Forum should work for the global public interest.

This raises in particular arbitration issues (how to prevent or circumvent impasses resulting from national conflicts of interest which might block processes) and balanced participation issues (how to ensure developed and developing countries, private and public interests, commercial and non-commercial interests are equally represented).

7. The Forum should abide by the criteria of transparency, democracy and multilateralism.

These are aspects already expressed in the WSIS Geneva resolutions.

8. Each one of the representatives of the four interest groups (governments, business associations, non-profit non-business organizations, and academic/technical associations) ought to establish clear accountability rules regarding their constituencies.

Brazil emphasizes two particular issues in this regard: how to select and ensure global accountability of the non-governmental representatives; how to ensure qualified participation of the non-governmental sectors from developing countries.

9. Regarding existing global organizations dealing with specific, Internet-related issues, the Forum function should be of coordinating these organizations instead of replacing them.

The new Global Forum must coordinate with existing entities. When issues are identified that do not belong to the scope of any existing organization, it is at the discretion of the Forum to create a new entity or working group, or even to expand one of the existing organizations.

10. The Forum should operate with efficacy and practicality to ensure rapid decision-making processes, in keeping with the dynamics of Internet expansion and evolution.

Brazil suggests mechanisms of representation in which the Global Forum is constituted by a relatively small number of representatives legitimately expresses the interests of all sectors. This requires adequate global procedures and mechanisms to ensure transparent and democracy election and selection processes on a country and regional basis.

11. The Forum should be flexible and adaptable to adjust its agenda and processes to the rapid evolution of the Internet.

This emphasizes new issues evolving from deployment of advanced technologies, the consequences of rapid convergence of different media and communications systems to the Internet, and so on.

12. The Forum should be able to act as an efficient clearing house collecting needs from the several interest groups and dispatching them (or the resulting resolutions) to the relevant organizations.

Brazil stresses that in this respect the Forum should rely heavily on the latest Internet-based knowledge management technologies, expediting transparency, democratic procedures and the clearing house functions, as well as relying on open online and face-to-face meetings as much as possible.

13. The Forum should be authoritative in its capacity to resolve conflicts and coordinate the work of different organizations.

Brazil sees this authoritative capacity defined by one or more international treaties or conventions,

as well as specific contracts and memos of understanding.

14. The Forum should be self-sustained.

The Forum should be supported by an efficient, lightweight technical/administrative infrastructure. Meetings should as much as possible be online using the best Internet multimedia resources. Many activities would be carried out through specialized working groups, usually constituted of volunteers compensated for travel and per diem expenses when needed. These methods should help reduce the operational budget.

Funding for the Global Forum should come from all participating sectors according to their capacities. Ceilings for specific contributions should be established in order to avoid both barriers to entry and hegemonic positions. ICANN is the anti-example for this proposal, as its income comes basically from the major gTLD registries.