

ACCESS AND DIVERSITY SESSION REPORT

LAC IGF PREP - QUITO 2010

August 4, 2010, 9:00 am to 11:00 am

Moderator:

Ginger Paqué – Diplo Foundation, Venezuela

Alvaro Galvani – Ministry of Foreign Affairs, Brazil

Rapporteurs: Guilherme Varella (Instituto Brasileiro de Defesa do Consumidor (IDEC) – Brazil)¹

Panelists: Bernardette Lewis (Caribbean Telecommunications Union – Trinidad and Tobago); Ariel Grazer (CABASE, the Argentine Chamber of Databases and Online Services)

ACCESS AND DIVERSITY – REPORT

1. Main issues discussed:

Internet and access to information

Internet regulation

Access and openness

Net neutrality

Diversity

Government role in Internet access

2. Summary of the panelists' presentations

Bernardette Lewis (CTU, Trinidad and Tobago).

Bernadette Lewis noted the relationship that the Internet has with major items on the global agenda such as cultural diversity and climate change.

She called attention to the specific issue of access and shared an experience she had in her country when she visited different communities to show them

¹ With the cooperation of Carlos Affonso de Souza, Center for Technology and Society, Getúlio Vargas Foundation, Brazil.

what the Internet could do in different areas. She showed different options available for social participation through the Internet and related tools.

The experience served to show the transforming power that the Internet can have and reinforced how participation could improve people's living conditions; fishermen and younger people were mentioned as examples of this.

In her opinion, promoting Internet access generates public awareness and fosters education. She reinforced the importance of broadband for a quality Internet experience.

In this sense, she noted the excessively high financial cost associated to broadband availability, which is one of the factors that is hindering access and the implementation of specific policies on public utilization.

She also highlighted the importance of Internet access combined with education as a means for strengthening public awareness.

Ariel Grazer (CABASE – Argentina)

Ariel Grazer spoke of the relationship between government participation and the cost of broadband access. Among other aspects, he highlighted public funding for broadband and the implementation of the necessary infrastructure.

He noted the importance of identifying practices that hinder competition and of implementing effective measures to avoid them.

He noted that rural, difficult to access areas where broadband implementation is either non-existent or extremely expensive require special attention.

He presented a detailed analysis of "broadband federalization," mentioning the following pillars for its implementation:

- (i) Government role: essential for treating the Internet as a universal service. This concept was identified in several countries, even mentioning financial policies that are in accordance with the idea.
- (ii) Universal service: identified as programs and services, defined by the State, with accessible prices and quality.
- (iii) Social and economic conditions: they must be taken into consideration when implementing telecommunication services and access to technology.

The issue of inclusion in the knowledge society was mentioned. He mentioned several questions relevant to this area:

- What role should governments play in promoting infrastructure development?

- How can competition be established between multiple providers within the same area?

In this sense, he explained that there are numerous value added services that the communities themselves can and should develop. Geographic regions that are generating local content and traffic present opportunities to establish a local industry with effective service offerings. This creates a concrete demand for infrastructure.

He presented several additional questions to the audience:

- If companies do not want to offer the service (e.g., for market reasons), what should governments do?
- How should public funds be used to install the required infrastructure?
- What are the reasonable costs involved in doing so?

He also highlighted the importance of not creating monopolies and promoting competition to achieve lower prices and better quality of service.

He brought up the debate on the regulation of the telecommunications sector and how this affects the exercise of fundamental rights.

Regarding regulation, he noted that this discussion is not only related to access but also to openness. In this area he also defended the notion that governments should not regulate the Internet but that they should instead focus on telecommunication services. In his opinion, Internet regulation would mean setting up filters and controlling the flow of information.

3. Issues that were debated

Internet regulation

Kicked off by Ariel Grazer's opinion that Internet regulation could imply setting up filters and controlling the flow of information, a debate began on different forms of regulation.

Opinions were expressed in the sense that regulations could be implemented precisely to guarantee fundamental rights, particularly in those cases of content monitoring and/or placement of filters.

Net neutrality

The Chilean law on net neutrality was mentioned as an example of positive legislation. The Chilean secretary proposed purchasing broadband abroad in order to offer cheaper access. International costs ranged from 35 to 40 dollars. In Miami they ranged from 7 to 8 dollars.

The Chilean text is flawed in some aspects, such as, for example, the fact that neutrality only applies to users who access commercial Internet networks.

This brings up several questions: Would this exclude government-owned networks? How are the arbitrary interruptions of the network mentioned in the law defined? How will personal data be treated? Which standards – national or international – will be adopted?

Government role in Internet access

Participants debated the relationship between the right to access, multinational telecommunication companies, and the role of governments. To this we must add that the discussion about whether to provide access or not has become a market issue.

The importance of verifying how broadband development fits within governments' strategic interests was discussed. Strategies include the creation of a stronger State in order to increase revenue or even to guarantee better access for the population.

The need for consistency between government actions and the scope of their goals was discussed. Another issue that was mentioned was that markets fail to reach these goals and that perhaps a government-owned company could eventually solve this problem.

The issue of how Internet policies can promote the participation of different communities was debated. The Honduran representative raised the following question: Why let operators put the population in contact with the Internet when they already have issues with the communities?

The Paraguayan representative highlighted the rationale of economic and social profitability. It is necessary to articulate different proposals for governments and Internet operators.

The need to link Internet access with each state's strategic goals was also brought up as a subject for discussion. If, for example, the state's goal is to generate revenue, then government-owned companies could provide services and help achieve this goal.

The issue of traffic exchange among Latin American countries was brought up in relation to state policies. How do we create conditions to increase traffic exchange?

Traffic regionalization was debated, as was government role in inter-state agreements and in any traffic exchanges that may be established.

Internet access and access to information

The difference between Internet access and access to information was debated. The relationship with the discussion on intellectual property was highlighted.

The representative of the Chilean organization for Digital Rights, for example, noted that access in Latin America is directly related to infrastructure. He also noted that intellectual property law modifications have a direct impact on access.

For the Costa Rican representative, the role of multinational companies is to enable access. The issue is whether or not they will provide access. For this, concrete actions and policies are required, as many countries only have mitigating policies.

In Latin America, increased funds would be an option for implementing the Internet at public level. In the case of Costa Rica, for example, implementing the Internet as an essential service (similar to fixed telephony) is currently being discussed, as are possible models for achieving this.

Within this framework, some opinions focused on the need to identify what form of regulation should be used and legislation that would promote the use of the Internet, while others focused on barriers to access.

Some participants highlighted the importance of recognizing the political nature of the information transmitted over the Internet. This would require guaranteeing net neutrality and the freedom of expression.

Access to knowledge

Several participants highlighted the importance of understanding the contents and information available on the Internet. Providing tools for understanding content, methodologies, etc. should be as important as providing access.

The representative of the Getúlio Vargas Foundation, Brazil, noted the importance of analyzing not only access to infrastructure but also access to content. She spoke of the need to discuss the issue of intellectual property on the Internet and commented the progress of the “3 strikes” policy, which will hinder access to knowledge.

She highlighted the importance of recognizing that Internet access is a fundamental right, one that must be associated with access to information.

Broadband was then discussed, as well as the negotiation of international protection agreements that interfere in the day-to-day activities of Internet users.

Role of open discussion forums

The question of what is the effective role of discussion forums such as this one (IGF) arose.

Some participants indicated that these forums are useful for specifying best practices, promoting the exchange of national experiences, exploring regional solutions, and identifying possible alliances.

Diversity

One of the participants observed that there has been much debate on access, but little debate on diversity. In relation to access, he stated that regulations may be more or less favorable to access. He added that legislation that seeks to protect users may be unrealistic or inconsistent with international standards. He highlighted the role of community radio as an instrument for providing education on how to best use the Internet, in addition to being an instrument for digital convergence itself.

Economic aspects of the debate

The Cuban representation promoted a discussion on the economic basis of Internet access. He mentioned that the original economic model behind the Internet was related to the United States, even after its internationalization. This presented a problem from the point of view of Internet availability.

According to the Cuban representative, the same problem now appears in relation to broadband, for which infrastructure and access issues also exist. This also has to do with the distortion of the Internet's international economic model, which involves the issue of monopolies and operating costs.

Within this framework, from the point of view of connectivity, at international level there would be an inflow of money from the suburbs to the center.

Following this line of thought, some participants stated that it is important to focus on eliminating the profitability model from this segment of the Internet, adding that it is a perverse model based on the poverty of some countries, similar to the situation found in telephony. According to some participants, companies establish themselves in Latin American countries and set extremely high fees.