

II Latin American and Caribbean Preparatory Meeting for the IGF

Rio de Janeiro, August 11-13, 2009

Summary of findings/outcomes
based on individual reports from the sessions

Session 1 – Access

Presentations in the panel brought the views of the several participant countries regarding public policies or specific initiatives contributing to universalization of access. Specific aspects were singled out, such as:

(a) Access and capacity building -- Educated users can take advantage of the Internet to seek new opportunities, and this is an aspect of the network as a tool for further social and economic development. One of the perceived challenges is, together with universalization of the infrastructure (including end-user access tools), to universalize the building of capacities to empower as many users as possible, as well as stimulating citizens to learn about the technologies involved and understand its potential for helping to improve the quality of their lives.

(b) Adequate infrastructure to provide affordable connectivity -- In most countries of the region there are few international backbone providers, frequently just one. This is reproduced within many countries, where just a few have more than one national backbone provider. This leads to high international connectivity prices, and within countries to monopoly or cartel pricing practices which make the price of broadband (which is usually available only in higher income areas) many times higher for the final user than, for example, Europe. In the cases where there is more than one national backbone, deployment of Internet Exchange Points (IXPs) is necessary. In countries like Brazil, these IXPs are non-profit services which do not add to the cost of bandwidth and, to the contrary, help reduce costs by optimizing national or in-country regional traffic. Broadband ought to be universalized using an optimal combination of fiber and digital radio, as well as regulatory and public policy incentives.

(c) Harmonization of regulatory practices -- This is mentioned as especially important for the Caribbean: many small countries with divergent regulatory practices which make difficult the development of a common public policy for developing infrastructure and attracting private investment.

(d) Appropriate legislation -- This should facilitate planned investments combining market competition with adequate regulation and public policies which ensure effective universalization. It has been verified that the market by itself will not guarantee universalization, while significant restrictions to private initiative or the replacement of state operators by private monopolies might preclude innovation. Governments ought to be proactive regarding the relevance of universalizing ICTs for sustainable human development, and need to develop strategic planning in the deployment of these technologies.

(e) International connectivity costs -- These impact directly in the price of access for the final user, and most countries do not have the leverage to negotiate better terms of trade in international bandwidth. In the Caribbean, for instance, not all countries have access to submarine cables.

(f) Local content -- It is recognized that extending access to all requires incentives to develop

local content for all. National strategies for producing appropriate local content which add value to the access and connectivity policies are needed. In this sense, the Internet is also an effective medium for social inclusion and citizens' participation in democratic processes, allowing for significant improvements in transparency and efficacy in government. It enables as well new forms of business transactions and national competition, thus further stimulating economic development. Finally, access to communicate and exchange information is the basis of realizing the right to communicate, a fundamental right for every citizen.

Session 2 – Privacy

The main issues to emerge in this session were: the need for legal and regulatory harmonization generally (within and among countries); the importance of focusing on the user, conceding rights and assuring its protection to anyone who has its data collected through the use of electronic networks and services; the need for the creation of structures and audit mechanisms to protect privacy. The need for regional normative harmonization was a concern echoed through most of the presentations.

The importance of the training of stakeholders on privacy issues was highlighted – especially among lawyers, judges, policymakers and civil society advocates. Initiatives to educate the individual user were also mentioned as desirable.

Particular attention is needed on privacy issues concerning social networks, cloud computing and e-government. The situation of workers and the possibility of online background checks also requires particular attention. Transparent, organic structures are essential to enable the protection of privacy. Users need information about the implications of what they are doing in social networks, offered in simple language. While stressing the importance of the creation of national policies, laws and institutions to protect privacy, the panel also pointed that it's essential that users be empowered to make informed choices.

The importance of privacy protection by design was emphasized, recalling that huge privacy difficulties can arise unexpectedly from tiny personal projects – especially taking into account problems of jurisdiction where data is stored in another country (this also points to the issues involving multinationals, global operations and jurisdiction).

In most of the countries in the region there is an urgent need to translate public policy into law, and a need for political decision on issues related to privacy rights and data protection on the Internet. In these processes, the intense participation of civil society is highly desirable.

There is a need for recommendations from regional forums to drive harmonization projects, and this is followed by a need to consider enforcement where regulations are agreed.

The panel addressed the issue of the danger of perceiving technology as natural and neutral rather than man-made, because it is opaque to society; the possibility of audit control mechanisms or audit code was suggested.

Several speakers commented on the need, in many cases, for anonymity to protect privacy and enable expression.

The panel reminded us of the need for safer designs to protect fundamental rights; stressed the importance of the forthcoming Madrid Conference "Global Privacy Standards in a Global World"¹ aiming to discuss the creation a global model of standards for privacy protection.

¹ *Observation from the organizers: This Conference has resulted in the *Madrid Declaration*, which can be seen in: <http://thepublicvoice.org>.

Session 3 – Critical Resources

The panel focused on the governance of the DNS² -- domain names, IP addresses, and the root structure which enables the global domain name system. There was a consensus that these resources need to be unique and globally coordinated, and the challenges in this regard are, on the one hand, to legitimize this coordination, and on the other, to identify the best global practices to manage these resources.

It was agreed that the panel could not suggest all-embracing solutions and responses to the challenges regarding governance of the critical resources, and therefore it decided instead to bring to the IGF a summary of the main concerns in the region.

In this regard, six statements were made and are summarized below:

(a) The importance of the Anycast system used to replicate the F root server worldwide and in the region, thus reducing dependency on the 13 root servers was stressed; in particular, the "Más Raíces" Program of LACNIC was regarded as quite positive.

(b) The positive contribution of the IXP initiatives and local content to help reducing international bandwidth costs.

(c) There was agreement that **the regional management of IP addresses** has been satisfactory while urgency was recommended in deploying IPv6.

(d) Strong concern was raised regarding **the protracted process leading to the creation of new gTLDs**.

(e) To dispel all doubts regarding the impacts of IDNs on the stability of the DNS was regarded as essential.

(f) It was agreed that, while there might never be a definitive solution to guarantee absolute stability of the DNS, **deployment of DNSSec constitutes an extremely positive step** in this direction.

2 The WGIG identified four key public policy areas regarding Internet governance. One of them encompasses "issues relating to infrastructure and the management of *critical Internet resources*, including administration of the domain name system and Internet protocol addresses (IP addresses), administration of the root server system, technical standards, peering and interconnection, telecommunications infrastructure, including innovative and convergent technologies, as well as multilingualization. These issues are matters of direct relevance to Internet governance and fall within the ambit of existing organizations with responsibility for these matters..." (*WGIG Final Report*, June 2005).

Session 4 – Openness and Security

The balance between the legal and enforcement needs on the one hand, and freedom of expression on the other hand – the panel recognizes that the relationship between security and openness in the Internet is originated in the very open architecture of the network and that this debate will be present at least until a true balance between freedom and individual rights is achieved.

There was consensus on focusing the debate on security of the individuals -- who (user or non user of the Internet) are the ones confronting significant threats to their security and privacy. In this sense, the building and maintenance of a reliable environment for the free flow of information and knowledge is crucial, since the network develops as its members feel safe and trust that they will receive social and economic benefits from getting involved in it.

However, this reliable environment ought to be made viable at local, regional and global levels, so that the different instances solve the problems within their reach in a form which is acceptable to the community. This requires that the issues are approached in a holistic way, not just a sectoral perspective, seeking agreements based on discussion and consensus building. These agreements ought also to be product of pluralist involvement of all sectors of society -- the broader the consensus, the more effective are the activities of information, prevention, awareness raising and eventual repression of delictive practices on or via the Internet.

Focusing on the individual also means providing each person with protective tools and methods, while private providers and the government do their part. Actions need to be coordinated and protective tools need to be developed so that the user can rely on the necessary security at the lowest possible burden in terms of time, complexity and costs.

There is also a need to strengthen the capacity of the authorities in charge of enforcing legislation against ICT-related offences, so that they are able to properly detect, within the complex delictive chains, the critical areas which may enable criminal practices, and apply the proper legal/preventive measures.

In summary, security needs to be approached from a holistic and multistakeholder perspective, strengthening capacities of all players involved (individuals, authorities, providers).

Session 5 – Multilingualism and accessibility

The panel sought to set the theme in the context of the Internet as a tool for human development. It was recommended that Universal Access Funds , still not used in many countries in the region (in at least one case having accumulated several billion dollars), be effectively and urgently disbursed with a broader vision than at the time they were created.

In order to achieve extensive multilingualism on the Internet, not only language needs proper representation, but the corresponding knowledge brought by this language needs to be stored, archived, indexed, catalogued, in such a way that users can search, classify and make conversions among formats in their own languages. Standardization of languages, alphabets and scripts should allow for representation in Web pages, e-mail and the myriad of other Internet applications.

Representing all idioms in UNICODE is imperative. Standardization of Internationalized Domain Names (IDNs) is quite advanced, and internationalization of e-mail services is also advancing well. It is important to take into account that the Internet is not just the Web. It is today essential -- with active use of the resources produced in many countries -- to achieve a critical mass of content in every language, and seek strict adherence to standards which ensure interoperability and that content in any idiom can be searched on the Internet.

It is also essential to enable users as producers of content in their own idioms. In synthesis, establishing clear directives to achieve compliance with the standards which guarantee interoperability, contributing to the development of an inclusive and diverse Internet is strongly recommended. This leads to a challenging question: what directives can be established to make sure standards are broadly adopted?

In regards to Accessibility, the panel stressed the importance of access for people with special needs, which ought to be thought in a broad perspective, from software and hardware design to the types of access available today besides the traditional computer (PDAs, digital TV). This implies taking including the theme of universal access in all courses related to software and hardware development, as well as user interfaces. Take into account that currently technical resources to facilitate access for people with special needs is far more expensive than standard equipment, and this requires compensatory public policies.

The recommendation from this panel is that multilingualism is fully considered as a theme transversal to all topics discussed by the IGF. The panel also made a general recommendation that all regions and countries should make an effort to maintain or develop national and regional IG processes, similar to this one now culminating in this meeting in Rio, as well similar processes in Europe and other regions, to make sure proposals made at the IGF really represent the interests and needs of each region.

Session 6 – Dialogue on openness

The dialogue basically focused on six topics (considered relevant to the region) which require further debate. "Openness" should be a theme in itself, separated from the privacy-security debate. The panel recommends the IGF approaches the theme with focus on the following topics:

1. Free expression and free flow of information

Control vs. freedom of expression. Innovative proposals to enable people who cannot express themselves on the Internet. Freedom of expression on specific themes, such as sexuality, religion, racism. Freedom of expression in social networks, blogs. Limits (or no limits) to freedom of expression on the Internet. Freedom of expression beyond the Internet: radio, open tv, pay-tv etc. Media offences. Presence of traditional media on the Internet and traditional government regulations. Self-regulation codes and codes of ethics for the media seen from the point of view of the Internet. NAPs and censorship. Deep packet inspection and free flow of information.

2. Access to knowledge and access to information

Intellectual property on content created with public funds. Creative Commons. Public data. Author rights. Exceptions to intellectual property. Open access. WIPO and the intellectual property regulatory framework: is WIPO the authoritative forum to revise author rights? What would be the needed reform to achieve a better balance? Could WIPO modify regulations on intellectual property? Global policies which enable balancing the IP restrictions with universalization of access to knowledge. Democratizing the Internet and the media, versus appropriation of content by knowledge companies. Patent laws. Knowledge about control mechanisms.

3. Open infrastructure

Shared backbones, interconnection and transit costs, net neutrality. ICTs as global assets of the commons. Provision of these assets -- roles of the state and the market. Symmetry of media in the context of convergence. Traffic engineering and its possible impact on net neutrality. Arbitrary tolls within the network. Auditability by society of applications and critical resources.

4. Open opportunities

Competition environment. Counter-monopoly practices. Market favorable to enabling innovation by new actors. Business models. Possibility of a Latin American and Caribbean Research and Development Fund to stimulate sharing of technology.

5. Open technology

Free and open source software. Open standards.

6. Open governance

Enabling active, diversified, multisectoral participation. Opening the governance models. Debate on ICANN. Discuss basic standards for a more consistent governance model.

Session 7 – Future of the IGF

[There was no summary report. Below are the summaries made by some of the panelists of their presentations].

Statement by Pablo Hinojosa (ICANN):

- 1.- ICANN considers that IGF has been established as an inclusive and open forum for all stakeholders and therefore has fulfilled its mandate according to the Tunis Agenda. It considers as well that IGF has appropriately expressed the WSIS principles.
- 2.- ICANN agrees with continuing the IGF without modification either in the format or in the terms agreed upon in Tunis.
- 3.- IGF has served as a platform to collect several themes in the broad Internet governance agenda, like Tetris pieces which adjust themselves and build concepts around which the debates will be carried out.
- 4.- For ICANN the IGF has been a space to exchange information. The Internet ecosystem encompasses many themes, stakeholders and interests, and it is difficult to reduce this concept to a limited agenda. Thus collaboration of everyone is indispensable to better understand the ways of action.

Statement by Pablo Accuosto (ITEM, Uruguay):

- IGF is contributing to the Tunis Agenda commitments, in particular items a, b, c and d of para 72, but there is much more to be done by this forum regarding its objectives.
- IGF has become an innovative public policy discussion space, contributes to the understanding of the IG themes and facilitates a better knowledge and the generation of better confidence and collaboration levels among all stakeholders. Part of the "success" of the IGF is based on the absence of commitments to build consensus statements and the adoption of open and inclusive participation mechanisms.
- Because of the above, it is important to keep the IGF going, if understood as an articulation space for multiple venues and processes (MAG, annual meetings, dynamic coalitions, regional meetings, processes related to IG in other fora etc). The annual meeting is important to define in the agenda a venue and moment to debate the IG themes.
- There are some components of the IGF mandate which are not being fully carried out. In particular, items e, f, g, h, i, j and k of para 72 of the Tunis Agenda. It is necessary to find ways to fully comply with all items of the Tunis Agenda regarding IG, being specially careful in not losing the richness of the debates when trying to force consensus and, on the other hand, and avoiding debates which lead to nowhere – which end up undermining the relevance of the IGF as a space of political debate.
- In the annual IGF meeting it is currently not desirable nor possible to reach consensus proposals. However, in all other fora which are under the IGF "umbrella" recommendations can be formulated, thus complying with part of the IGF mandate. The MAG could be reformulated to take on this role, providing recommendations as inputs to the debates in the annual meetings, and also taking the inputs from the annual meetings as subsidies to its recommendations and proposals. The WGIG is a successful reference in this sense, although it had another mandate and was

created in another context. WGIG carried out its mandate to formulate recommendations (as inputs to WSIS) in a context more critical than the IGF, and in the cases in which consensus recommendations were not achieved, the different views were included. This would mean an enhanced MAG, with the autonomy to propose inputs in a true multistakeholder fashion, as well as continuing to carry out its current tasks.