

# Contribution of S.Korean Civil Society to Net Mundial

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# Guiding Questions

- Issues' statement (what are the issues?)
- Is there a forum or Internet Governance body that develops policy or technical outcomes involved in these issues?
- If there is, how and why are these issues not being adequately dealt with by that forum or organization?
- What are the possible responses to the challenges posed by these issues?
- How will the possible responses proposed ensure the stability, resilience and efficiency and also comply with principles of equitable multistakeholder participation, accountability, transparency and predictability?

# Principles on IG process

- 기존 IG 체제 , 혹은 인터넷 관련 공공정책 과정의 문제
  - 투명성 부족
  - 시민사회의 참여 배제 ( 특히 , 정책결정 과정에서 )
  - Unbalanced Power ( 개도국 , marginalised groups)
  - Multi-stakeholder Model 에 대한 자의적인 해석
  - UN, IGF MAG, FTA ..

# Principles on IG process

- Genuine Multi-stakeholder governance
  - Multi-stakeholder model 에 대한 구체적인 규정과 합의 필요
  - transparency, inclusivity and accountability
  - MS consultation 에 그치는 것이 아니라 , Decision-making 까지 포함
  - Marginalized group 의 참여 확대를 위한 지원 필요 : funding, remote participation, capacity building

# Principles on IG process

- Tunis Agenda 문제 조항

- 34. A working definition of Internet governance is the development and application by governments, the private sector and civil society, **in their respective roles**, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.
- 35. We reaffirm that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations. In this respect it is recognized that:
  - a. **Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues.**
  - b. The private sector has had, and should continue to have, an important role in the development of the Internet, both in the technical and economic fields.
  - c. Civil society has also played an important role on Internet matters, **especially at community level**, and should continue to play such a role.
  - d. Intergovernmental organizations have had, and should continue to have, a facilitating role in the coordination of Internet-related public policy issues.
  - e. International organizations have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies.

# Principles on IG process

- Tunis Agenda 의 개정 필요
  - 34 항 : IG 개념 규정에서 각 Stakeholder 의 협력을 각자의 역할로 한정
  - 35 항의 문제
    - Stakeholder 를 몇 개의 카테고리로 고정적으로 규정할 수 없음
    - 인터넷 관련 공공정책 권한을 정부의 주권으로, 그리고 국제공공정책에 대한 권한과 책임을 정부에 부여 : 정부는 각 국가 내에서 공공정책에 대한 책임을 가지고 있음. 그러나, 세계적인 인터넷 관련 공공정책에서도 그러한가?
    - 각 Stakeholder 의 역할도 현실과 맞지 않음. (특히, 시민사회)
  - TA 의 문제조향을 유지한채 MS Model 이 가능할지 ?

# IG Principles

- 기존 Principles 문서 참조
- 한국의 현실에서 중요한 의제 선정 & 세계적인 의제
  - Freedom of Expression
  - Privacy
  - Net Neutrality
  - Access to Knowledge
- ‘인권 보장’과 같은 (누구나 동의하는) 원론적인 문구로부터 더 나아가야 함 .

# IG Principles

- IG 는 인권에 기반해야함 강조

- IRP charter :

- <http://internetrightsandprinciples.org/site/wp-content/uploads/2014/01/IRP-Charter-Booklet-1-2nd-Edition-1.doc>

- APC Internet Rights Charter

- [http://www.apc.org/en/system/files/APC\\_charter\\_EN\\_0.pdf](http://www.apc.org/en/system/files/APC_charter_EN_0.pdf)



# IG Principles

- Freedom of Expression

- 정부, 기업 등에 의한 자의적인 검열 지적
- (사법적 판단이 아닌) 행정기관에 의한 자의적인 내용규제로부터 표현의 자유 보호
- 익명의 권리 보호

- Privacy

- 글로벌 인터넷기업들의 서비스를 전 세계 이용자가 이용하고 있지만, 이용자들이 기업과 정부의 감시로부터 자신의 권리를 보장받을 수 있는 국제적인 메커니즘 결여.
- 개인정보자기결정권 보장

UN Guidelines concerning computerized personal data files

- (대량) 감시로부터의 자유

International Principles on the Application of Human Rights to Communications Surveillance

# IG Principles

- Network Neutrality

- Network Neutrality 에 대한 국제적인 메커니즘 결여 . 일부 국가의 통신사들의 트래픽 차별 사례 발생 .
- Internet traffic shall be treated equally, without discrimination, restriction or interference regardless of its sender, recipient, type or content, so that Internet users' freedom of choice is not restricted by favouring or disfavouring the transmission of Internet traffic associated with particular content, services, applications, or devices. (Model Framework on Network Neutrality)

# IG Principles

- Access(?) to Knowledge
  - 인터넷 환경에서 지식, 문화 창작물에 대한 배타적 권리 부여가 지식생산 및 이용자의 자유에 미치는 영향에 대한 재평가 필요
  - The right to access to knowledge : 인터넷 환경에서 협업적 지식생산 활성화 필요.
  - The right to access to publicly-funded information

# Roadmap

- 한국 시민사회 내에서의 논의 부족
  - **Best Bits** 등 세계시민사회의 입장에 대한 연명 여부
  - **Future Internet Ecosystem** 에 대한 몇 가지 원칙 제시

# Roadmap - ICANN

- Globalization of ICANN
- Contribution of Article 19
  - Guiding principles
    - Multistakeholder, not multilateral
    - Human Rights, in particular the rights to free expression, privacy and due process.
    - Transparency & Accountability
    - Inclusiveness & Diversity
  - ICANN's Legal Status
    - Non-governmental status
  - Mandate
    - To prohibit content regulation
    - a right of private parties to initiate legal challenges to ICANN
    - To consider FoE in IP disputes
  - Location/Application Law
    - Californian law
    - not moving its headquarters outside the US
    - to delegate some of its functions to subsidiaries

# Roadmap - ICANN

- Contribution of Article 19
  - Denationalise the IANA contract
    - delegated to different private entities
  - Improved representation and participation of developing countries
    - Funding, translation
  - Making the GAC more inclusive, transparent and accountable
  - Accountability of the Board
  - 의문점
    - AoC 는 그대로 유지 ?
    - NTIA 의 IANA function 권한 유지 ?
    - ICANN 의 legitimacy 강화를 위한 조직 개편 방향 ?

# Roadmap

- UN committee Model
- IGF reform
  - MIPC, MIPOC – Multi-stakeholder body, clearing house
  - Recommendation
  - A better funded and supported secretariat
- Distributed Multi-stakeholder Processes Model
  - Coordinating body in CSTD
  - To decide which pre-existing institution has a mandate covering a specific internet issue

# Roadmap

- Best Bits proposal (draft)
  - Dispersed vs. centralised
    - On balance we felt the risk/benefit of both approaches weighed more on the side of a dispersed model of governance.
  - Broad participation & role of reformed IGF
    - The reform could entail: a stronger leadership, a better supported secretariat, stronger links between the IGF and all other internet-related policy-making spaces, a strong link to national and regional IGFs, more output-orientated, widening participation and reforming the MAG.
  - A new co-ordinating function
    - A new coordinating function is needed. More discussion is needed about the form, location and processes by which that function is exercised.
  - Issue-specific multistakeholder working groups
    - New internet policy issues should be dealt with through ad hoc multi-stakeholder working groups which are issue specific. More discussion is needed about the form, location and processes of those multi-stakeholder working groups.