Background Note on the African Union Declaration on Internet Governance

Preamble

Africa is poised to be the next "Internet frontier", home to a significant percentage of the next one billion people that will be brought online and it is imperative that the economic benefits of the Internet accrue to the continent. Africa must be ready to bridge the "Digital Divide" and should not miss the turn of the digital era as it did in the eve of the industrialization era.

The impact of the Internet on the society as a whole has been impressive. Through offering possibilities for entrepreneurial creativity, the Internet has become a powerful engine for technological innovation and economic growth. In addition, it provides a wide range of opportunities for preserving and promoting cultural diversity and multilingualism -African Digital Identity- as well as advancing developmental goals.

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. African citizens have a genuine expectation that the Internet will be accessible and affordable, secure, reliable and continuing. For the preservation of the Internet's dynamism, Internet governance must continue to allow permission-less innovation through an enabling Internet environment.

Guiding Principles on Internet Governance

"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."[1]

Such administration must be realized through a bottom-up multi-stakeholder engagement and cooperation at the local, national, regional and international levels among all stakeholders through capacity building, mobilizing and sharing of knowledge, expertise, technology and financial resources that would support the achievement of the UN sustainable development goals and the AU Agenda 2063. Internet governance is not monolithic practice but rather a multi-layered series of distinct tasks of which some are appropriated to private sector, some to sovereign nation-state as so on.

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[1] Report of the Working Group on Internet Governance (WGIG), Chateau de Bossey, June 2005. Accessed at http://www.wgig.org/docs/WGIGREPORT.pdf.

Governments, through their policy making and development of institutional frameworks for the ICT sector as a foundation of modern economies, strive to ensure the highest level of transparency and openness, and to carry out multi-stakeholder consultation on policy and regulatory matters affecting the development of the digital society. Such cooperation should include the development of globally applicable principles on public policy issues associated with the coordination and management of critical internet resources for development of the ICT sector.

To ensure a sustainable, people-centred and rights-based approach to the Internet, it is necessary to affirm the principles of Internet governance which acknowledge human rights and fundamental freedoms, democracy and the rule of law, as well as the basic tenets of Internet communities as they have been developed in the processes of implementation of the outcomes of World Summit on Information Society (WSIS) and the Internet Governance Forum (IGF) Mandate Review. This has led to the extension of the IGF mandate, while reaffirming the values and principles of Multi-stakeholder cooperation and engagement, for ten (10) more years by the UN General Assembly WSIS+10 review meeting held in December 2015.

While recognizing that policy authority for Internet-related public policy issues is of their sovereign right, the states should have an equal role and responsibility for Internet governance and for ensuring the stability, security and continuity of the Internet that are necessary for development of public policy by governments in consultation with all stakeholders.

These principles form the basis for any future engagement of all stakeholders in Internet-related public policy-making. Included, among the values and challenges, are the following:

- o Multi-stakeholder model must be followed at all levels (national, regional, global) with the full participation of governments, the private sector, civil society, the technical community, academia and the users in their respective roles and responsibilities.

- o Internet governance must respect and promote cultural and linguistic diversity in all its forms.

- o As a universal global resource, the Internet should remain a secure, stable, resilient, and trustworthy network. Effectiveness in addressing risks and threats to security and stability of the Internet depends on strong cooperation and engagement amongst different stakeholders.

- o Surveillance of communications, their interception, and the collection of personal data, including mass surveillance, interception and collection should be conducted in accordance with states' obligations under international human rights law.

- o Significant attention has to be given to the debates over ICANN's governance structure and its attempts to change that structure to improve the fairness, efficiency, and competitiveness of DNS management. ICANN's procedures for adding TLDs should be demand-driven, light handed, and focused on coordinating the technical parameters of DNS rather than regulation and restriction of the market since ICANN's decisions about TLDs have an economic as well as a technical dimension.

- o While recognizing that Online Platforms serve important roles in bringing people and/or businesses together and help facilitating social and commercial exchanges of goods, services and information, they must operate with some degree of transparency and liability. They should refrain from the use of Personal information, intrusions into privacy, competitive practices leading to filtering of online content of competitors and the inappropriate use of surveillance and data mining techniques.

- o Architecture-based intellectual property rights enforcement that would allow the turn to infrastructure for copyright enforcement as well as intellectual property rights embedded within Internet governance infrastructure, such as the adjudication of domain name trademark disputes.

Way Forward and Actions Needed

The African Union Declaration on Internet Governance has been developed through a consultative process in order to accrue the benefits of the digital economy by creating a conducive and an enabling environment for African stakeholders to come together, deliberate critical emerging issues and contribute to the development of Internet public policies that take into account the needs of Africa. The Declaration will act as the guiding principles for stakeholders and constitutes the shared values and pillars that all can agree on and build upon during future deliberations and debates on the future of the Internet from an African standpoint.

As a contribution to this on-going, inclusive, collaborative and open process of Internet Governance, member states are kindly requested to:

1. Review and provide comments and feedback on the draft declaration.[2]

2. Once the draft African Union Declaration on Internet Governance has been finalized (which should build upon Internet governance principles progressively developed by African stakeholders and Internet communities (Member States, representatives of Regional Economic Communities (RECs), specialized institutions and partner organizations, African private sector and Civil Society), it will be presented to AU Organs (Specialized technical Committee on Communication and ICT, the AU Assembly) for consideration. It will be most preferable to present it to the January 2017 Summit.

Actions to be undertaken by Member States and the AUC in the Event of Adoption of the Declaration

Following adoption of the declaration, member states and the AUC would:

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[2] Copies of the Delectation were sent to all member states through diplomatic channels in October of 2015. Thus far, no substantial modifications or revisions have been received.

1. Declare firm commitment to the principles and underline that they should be upheld by all member states in the context of developing national, regional and international Internet-related policies;

2. Encourage stakeholders to embrace these principles in the exercise of their own responsibilities as they should also form the foundation for any future engagements of all stakeholders in national, regional and international Internet-related policymaking efforts.

3. Promote capacity building and financing as 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 multi-stakeholder communities, especially in those member states and regions where the participation of stakeholders groups needs to be markedly strengthened.