Summary report on IGF workshop on
A Possible Framework for Global Net Neutrality

Annual Meeting of the Internet Governance Forum, Nairobi, September, 2011

The workshop was organised by Civil Society Internet Governance Caucus, Instituto Nupef, Brazil, Diplo Foundation and IT for Change, India.

The panelists were Megan Richards from the European Commission, Vladimir Radunovic of Diplo Foundation, Nii Quaynor of University of Cape-Coast, Ghana, , and Raman Jit Singh Cheema of Google, India. The workshop was moderated by Izumi Aizu and Parminder Jeet Singh of Civil Society Internet Governance Caucus.

The workshop was intended to take stock of various global discussions on network neutrality, including at the earlier IGF, and specifically explore if conditions and possibilities exist for developing a global framework on network neutrality.

The moderator opened the meeting by describing the context and purpose of the workshop. He mentioned how while network neutrality was such a hot topic in many countries not much has been spoken about the global context of network neutrality. Such a discussion may be important because the Internet is essentially global. So, a key question is; how can network neutrality policies be practically enforced and maintained across borders. Another important aspect of any network neutrality discussion is that this term has many different definitions, and agreeing on one definition itself may be a tough task.

The first speaker, Vladimir Radunovic, started by mentioning how he has been involved with many workshops on the issue of Network Neutrality in the previous IGFs. At the start there were completely polarity of issues. One side believed that there should be no prioritization of traffic in any case. Telecom businesses on the other insisted that they should be given a free hand to provide the best services possible. Over the years of discussions, the two sides have come closer. Network Neutrality advocates now largely agree that some discriminations due to technical imperatives may be allowed, while business seems to agree that there should not be discrimination based on content and services. However, it is not always possible to distinguish between technical and economic reasons for traffic discrimination. The question is, who will decide this issue? Another important aspect concerns new services on the Internet about which we may not even know clearly at present. The Norwegian model of coming up with a set of principles mutually agreed among all stakeholders is perhaps the best one. Here, compliance is based on name-blame-shame game. And only if needed may the regulator step in with concrete policy measures.

Nii Quaynor spoke next and stressed the issue of unpredictability of the directions in which technology and thus economic models will develop. Different countries of the world were at different stages with respect to the Internet. However, some degree of separation of the infrastructure form services is certainly required. Educating consumers about different choices and the implications there of may be the best way to go. Speaking about Africa, Nii said that their's was the youngest economy. While on the consumer side they were fine, they had to do much on the producer side. It is for this purpose that he does not want to constrain the producer side with too much regulation.

Nii was followed by Raman Jit Singh Chima from Google, India. Raman spoke of the strong

support for an open Internet by Google. An open Internet is basic to innovation, it made a Google, a Facebook, possible and it is which allows academic sites, social science research networks etc to leverage the Internet. The most important thing is open competition. Open and healthy competition in the network provider space will help punish players who perform badly and discriminate unfairly, causing harm to the public interest. The second important element is transparency vis a vis network management practices. Third is some basic ethical standards. In the US, the Broadband Technical Advisory Group has been able to work some good basic standards.

The moderator at this point urged the speakers to examine the network neutrality as a possible rights issues, and from that perspective look at gleaning the kind of principles that are needed to ensure the right to a specific kind of network.

The last speaker was Megan Richards from the European Commission. Megan said that they were looking closely at how the market was operating and whether there were real issues concerning network neutrality like VoIP blocking, or issues with transparency of the information provided to the consumers. By the end of the year we are expecting to get enough information to decide on what further action, if any, is needed. Much is still to be done to ensure proper broadband infrastructure for Europe, however as more broadband becomes available it may also limit Network Neutrality related problems. We remain especially interested in the area of new web based applications and services, and want to make sure that there is sufficient room for their expansion and growth. We are keen to ensure good competitive markets to address all these issues together.

The presentations were followed by inputs from the general participants. One participant wanted to leave things as they are, and introduce no new rules. Another wanted to focus on providing information and full transparency to the consumers but was confronted with the question, is transparency enough to allow consumers to make choices they like. Another participant specifically commended the idea of Network Neutrality tools like the one developed by Google which helps detect if network traffic is being discriminated. Competition and transparency was insisted by many to be the key things to ensure. Another participant wanted more consumer education. Someone raised the issue of violation of network neutrality in many developing countries whereby free or cheap packages of a few Internet services only were commonly available on the mobile Internet. Another participants found nothing wrong with such a service if it makes those services more affordable to users.

One participant took a core technical view that it is really not about discriminating content, applications or services, much less, users, it was non-discrimination vis a vis packets, and that is all. The network does not know people to discriminate among them. Another countered by saying that the real concern after all is about people, and the advantages and disadvantages that they may face. One participant pointed out that a few telecoms already had too much market power and if we do not check network neutrality violations, the situation will become very bad, and perhaps impossible to remedy later on. A remote participant warned against the Internet becoming a big boys club which will happen if collusion between network provider and content providers is not checked. The question also got raised if it was about all kind of Internet intermediaries and not just telecom providers. For instance, what has been called as 'search neutrality' is also an issue allied to network neutrality.

In the end, speakers were asked if they had any specific comment on the possibility of developing some kind of global principles regarding Network Neutrality, and if it were to be done, what is the appropriate process and forum for it.

Vladimir thought that a lot of focus will continue to stay on the national level processes. He agreed that the issue is human and not technical but the two cannot be disconnected. The IGF is indeed the

most appropriate place to develop any global principles on Network Neutrality, but it may be a slow and gradual process. Megan referred to the speech of European Commissioner for Digital Agenda, Neelie Kroes, where she spoke of a 'Compact for the Internet'. Megan said that there certainly can be some common principles that may be applicable across the board, although it is not necessary for everyone to agree on every detail. She also thought that the IGF was the appropriate forum to try and develop such common principles.

The moderator ended the workshop by noting that by the next IGF, some improvements to the format may be implemented consequent to the expected report of the UN's Working Group on Improvements to the IGF. It will be interesting to explore if the new processes and format provide possibilities to start evolving some kind of global principles on network neutrality.