# ICC BASIS key messages for the Internet Governance Forum (IGF) 2016

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Enabling inclusive and sustainable growth

ICC the global voice of business where it needs to be heard

The International Chamber of Commerce (ICC) plays an important role convening business in many major global dialogues. It has convened the private sector voice during the development of the United Nations (UN) Sustainable Development Goals (SDGs) and now as these goals are followed and reported according to the 2030 agenda.

Speaking on behalf of enterprises in all sectors in more than 130 countries, ICC convened business in the early 2000s during the World Summit on the Information Society (WSIS) in Geneva and Tunis. Since then, ICC Business Action to Support the Information Society (BASIS) has ensured business experience and expertise contribute to the relevant UN and multistakeholder activities in particular the Internet Governance Forum (IGF), WSIS Forum, WISIS+10, and the United Nations Conference on Trade and Development (UNCTAD) Commission on Science and Technology for Development (CSTD) among others. In the frame of the 2030 agenda there is a natural linkage between that and the WSIS information communication technology (ICT) for development agenda.

Inclusive, sustainable growth and Internet governance

The global economy is increasingly a “digital” economy. Whether government, education, health care or sectors as wide-ranging as manufacturing, agriculture, logistics, and finance, all of these rely in varying degrees on information and communication technologies (ICTs) and a secure, stable, and resilient Internet. The overarching theme for IGF 2016, Enabling inclusive and sustainable growth, draws on the crucial links between the digital economy and sustainable development.

ICTs specifically, and science and technology generally, have been shown, through repeated examples, as key enablers of development. Direct references to the catalytic power of ICTs for development are cited as specific targets in only four of the 17 goals (in targets related to education, gender empowerment, universal affordable access to ICTs/internet in LDCs and as a means of implementation). However, business considers the majority, if not all, of the sustainable development goals would be served by the application of ICTs, both using emerging and existing technologies. For example, in the area of health and well-being the use of even basic communication technologies can supplement rural diagnostics and treatment of disease as well as the causes of disease which may come from issues of livestock, environment etc.

The acknowledgement of ICT’s catalytic power for sustainable development highlights the importance of efforts to ensure the digital economy’s growth is inclusive as well as sustainable. IGF 2016 has embarked on an important agenda to share perspectives on how the international community can foster inclusivity in development initiatives and Internet governance and ICC BASIS has been at the heart of promoting knowledge sharing on this as a co-organizer of relevant workshops and the main session on this theme at the 2016 IGF.
Governance, accountability and cooperation

Along with opportunities of the digital economy come responsibilities; governance and accountability are essential elements of both government and corporate structures. Policymakers can benefit from close cooperation with business and other stakeholders to ensure that the legal, policy and regulatory approaches implemented will drive necessary investment and capacity building and maximize Internet connectivity and data opportunities.

Multistakeholder collaboration on Internet governance issues is essential to maximizing the potential of ICT while addressing issues that are relevant locally and respecting local cultural and social norms. Business views continued cooperation and a flexible policy environment as critical in empowering sustainable development.

Looking forward to IGF 2016, ICC BASIS highlights the following key messages to share global business perspectives and recommendations on Internet governance and policy issues that are central to promoting sustainable and inclusive growth.

Internet Governance Principles

The multistakeholder model, as continually strengthened and evolved, will serve our shared interest in a stable and sustainable Internet. Business identifies the following principles as vital to the success of any future model of Internet governance:

- **Functionality, security, stability and resiliency of the network**
  Policies must ensure a safe, secure, open, interoperable, resilient, seamless and sustainable Internet. A safe and secure Internet will enhance confidence and trust in the Internet and policies should support implementation of best practices in relation to network security.

- **Cross-border flow of data and information**
  Business stresses the need and importance of cross-border data flows to the functioning of the digital economy and continued achievement of the Information Society. While business recognises the need to comply with local laws, including those on privacy and security, they should be consistent with established trade rules and human rights.

- **Improving and expanding access to the Internet**
  Policies should stimulate sustainable investment and deployment of Internet networks and industries, and services that create demand for those networks. Policies and regulatory frameworks should support innovation, investment, and competition, including the protection of intellectual property. Standards should be designed to facilitate interoperability. Efforts to foster local content, improve cultural and linguistic diversity, and bring access to all global citizens, particularly to those in developing countries, should be supported.

- **Rule of law**
  Policies should support the rule of law, which governments have primary responsibility for advancing.

- **Application of rights**
  Rights that people have offline must also be protected online, in accordance with international human rights legal obligations.

- **Making decisions in open consultation**
  Any discussion about Internet governance principles, frameworks or processes, should be conducted in a multistakeholder format. All stakeholders should be appropriately represented in a transparent and
Multistakeholder cooperation

ICC BASIS believes that multistakeholder cooperation for Internet governance is essential for furthering the progress and ensuring an inclusive, people-centered Internet that can attain the WSIS vision beyond 10 years. Furthermore, the use of multistakeholder practices can be key driving forces in empowering inclusive and sustainable growth. In this context, Business recommends multistakeholder processes at national, regional and international levels are consistent with the following principles:

Any discussion about Internet governance principles, frameworks or processes, should be conducted in a multistakeholder format. Where direct participation is not possible, there should always be ways for a broader range of stakeholders to provide their views or concerns, and there should also be due consideration of the issues and concerns of those who are unable to connect to the process, including those from developing countries, least developed countries and small island states who might not yet be connected to the Internet or those in need of remote participation tools.

Achieving sustainable outcomes in the multistakeholder Internet governance environment will require a respectful and informed balance of interests among all stakeholders. Participation and collaboration by all stakeholders in considering issues related to governance of the Internet - regular stakeholder consultations should be an integral part of the UN General Assembly’s consideration of ICT for Development issues going forward. Decision-making processes should be transparent and consensus-based, clearly indicating how decisions are made and how multistakeholder input is reflected in such decisions.

In the context of the above principles, ICC BASIS offers the following perspectives on strengthening multistakeholder participation mechanisms:

- Processes should be open, inclusive, transparent, and accountable
- The processes should enable all relevant stakeholders to participate, engage, and contribute to the discussions and decision-making.
- Processes should be transparent, including how decisions are made and how input is reflected.
There is no single “best” multistakeholder model

Work on improving multistakeholder participation should involve inputs from multiple stakeholders, a shared understanding of the issues and desire to collaborate to address the issues, the existence of trust among stakeholders.

In fostering sustainable development, in particular, it is important that local stakeholders (civil society, grass-roots communities, individuals, technical experts and members of academia, government, business) are involved in a meaningful way. This is because these local stakeholders understand the issues that need to be addressed at the grass-roots level and the opportunities that can be leveraged. They also raise awareness about cultural sensitivities. Such local knowledge would complement nicely with participation from global stakeholders, who can leverage existing practices elsewhere and/or contribute resources and expertise to address the issues at hand.

Involve local stakeholders

Use practical examples

Practical examples of successful multistakeholder efforts—in implementing the WSIS Action Lines should be collected to provide a spectrum of these approaches.

Enhanced cooperation

Cooperation is crucial for the development and vitality of Internet governance models. Paragraph 71 of the Tunis Agenda clearly states that “all stakeholders” and “all relevant organizations” should be involved in the “enhanced cooperation” process. Business around the world believes that enhanced cooperation refers to continuing efforts by all stakeholders (individually and collectively) to promote greater cooperation among existing organizations, including private sector-led, multistakeholder and intergovernmental (IGOs), not the creation of new entities to facilitate such cooperation or processes.

Enhanced cooperation amongst the relevant organizations that address Internet-related issues should be guided by the objective of information sharing, creating more awareness and where appropriate, coherence in work programmes and collaboration. Enhanced cooperation should be facilitated across the spectrum of all relevant organizations including those that are private sector-led, multistakeholder as well as those that are intergovernmental.

In order to continue to make progress on the process of enhanced cooperation, business recommends:

Stakeholders should be encouraged to participate in existing Internet technical organizations

New approaches, new venues and new forums have arisen to respond to new opportunities and challenges. It is vital that all stakeholders take up the challenge by participating in these discussions that are so critical to the responsible development of the Internet.
Governments and international organizations should make their Internet policy and decision-making activities more open, transparent, and inclusive of all stakeholders.

Efforts to advance enhanced cooperation must be founded on a commitment to openness, inclusiveness and outreach.

Governments, regional, and international organizations that have been more open and have shown a commitment to enhanced cooperation, have proven to be more effective in their work as a result of their openness.

Whether speaking of enhanced cooperation in governmental, intergovernmental, non-governmental, or international organizations, it is essential that efforts to advance enhanced cooperation are founded on a commitment to openness, inclusiveness, and outreach to the various stakeholder groups. This will ensure that all those stakeholders, who may be affected by decisions, are able to participate in the development and implementation of those decisions. In this vein, the Internet technical community, governments, business, and civil society, are all essential stakeholder groups and should be recognised as such.

**Strengthening the IGF**

ICC and BASIS members have been actively contributing to and supporting the IGF since its inauguration in 2006 because it provides a unique opportunity to exchange views and best practices on a wide variety of important policy issues that affect continued development of the Internet. IGF 2016 comes at a pivotal moment in the IGF’s history as it embarks on the first year of its extended mandate.

Since its inception, the IGF has served as a pioneering example of cooperation among stakeholders because it has focused not on the negotiation of text, but instead the sharing of knowledge and ideas. It has had the freedom to serve as an important laboratory for the discussion and dissemination of best practices and capacity-building initiatives that further the WSIS goals of expanded interconnectivity and inclusiveness. The strength of the current distributed, bottom-up Internet governance process is not only in its open and inclusive participation model, and the legitimacy and credibility that the model fosters, but also its flexibility to rapidly adapt to changing technologies and issues.

It is important to ensure that any changes and continued improvement to the IGF contribute to enhancing the security, stability, privacy, resiliency, and interoperability of the global Internet, while also ensuring the rule of law and economic and social benefits. The IGF’s focus on the exchange of best practices, policy approaches and experiences is its strength, as it maximizes the time all relevant stakeholders spend on substantive exchanges instead of negotiated texts. As IGF’s mandate has been extended for another 10 years, the global business community recommends the following measures to strengthen the IGF for the future:

**The 10 year extension is an opportunity to strengthen IGF**

Global business supports the continued improvement and strengthening of the IGF and joins other stakeholder groups in urging a more stable and predictable mandate of authorization,
along with stable funding and staffing. As ICT becomes the underpinning for realising the SDGs, we note the increasingly important contribution of the IGF in this global context.

In the past, IGF benefitted from high level representation of a Special Advisor to the UN Secretary General that facilitated advocacy, diplomacy and served as an important ambassador for the IGF. A suitable candidate from the community of experienced and insightful stakeholders should be sought for this position to be renewed to help strengthen and improve the IGF as it proceeds through the renewed mandate.

It is essential to preserve the IGF’s essential character as a bottom-up, all-inclusive multistakeholder mechanism for participation. It should remain a forum that not only includes, but also is managed and organized by stakeholders from business, government, civil society, the technical community, and academia on an equal footing. The IGF has served successfully as a laboratory for the exchange, discussion, and dissemination of best practices, technical expertise, and capacity-building initiatives among these stakeholder groups. The flexibility, transparency, and inclusiveness of the IGF’s multistakeholder model has enabled the Internet to flourish as a platform for innovation and economic development, and advanced the WSIS goals of expanded connectivity and inclusiveness. It is imperative that this model be retained going forward.

ICC BASIS is pleased that key Internet governance meetings of past years have not only reinforced the importance of meaningful multistakeholder participation in existing Internet governance processes and forums, but also, reaffirmed the importance and value of the IGF.

There is a risk that establishing new mechanisms or models, without a thorough and methodical assessment could drain resources and result in reduced participation by all stakeholders in existing efforts. Business seeks to avoid the development of new mechanisms that duplicate existing efforts and supports efforts to strengthen and expand existing mechanisms to address outstanding issues, to ensure that the Internet remains a vibrant platform for economic growth and innovation.

IGF and regional IGF participation show that the awareness of the IGF remains inadequate, especially amongst developing countries. A conscious effort to increase IGF awareness needs to occur through all resources available. Unless the IGF truly represents a bottom-up, democratic process that is substantially diverse, its acceptability and relevance will remain high but
Reinforce linkages between IGF and other relevant Internet governance entities

There is a need to better incorporate IGF discussions in other relevant forums such as the Commission on Science and Technology for Development (CSTD). Similarly, the discussions at these meetings should be consciously reflected in development of the workshops and main sessions of the IGF. Cross participation in these fora – by the chair of the MAG and MAG members, in addition to observers – is one way to ensure regular exchanges between relevant international organizations and the IGF through the year.

Strengthen and stabilise the IGF secretariat

The IGF needs to broaden the pool of funding resources and establish adequate long term funding to provide the IGF secretariat with sufficient resources to prioritize IGF topics of relevance to the community, and ensure adequate documentation of policy discussions, best practice recommendations and communicate its materials effectively.

Enhance the ability of the IGF to engage broadly from stakeholders in particular developing countries

Enabling broader participation across all stakeholders and in particular developing country participation at the IGF and year-round access to the work product and outcomes of Internet governance discussions, including through the build-out of capacity building and technical initiatives, is a priority that should be pursued. Stakeholders (particularly developing economies) should be encouraged to engage at the IGF (whether in person or remotely), and also, be able to participate in discussions remotely once they leave and see this exchange of information wherever they may be based, to demonstrate their capabilities, share best practices and measure progress. Remote moderators, remote hubs, linguistic diversity, facilities for people with disabilities and translations must be considered basic and necessary facets to any IGF meeting.

Advance the IGF’s knowledge agenda and drive increased participation from developing countries

Such dynamic engagement and opportunities for wider and year-round participation would firmly establish the IGF as a conference with a serious knowledge agenda. Finally, the knowledge agenda needs to build over time, so IGF programs need to accommodate conversations of different complexity in a way that enhances the value of the IGF across participants of various skills and backgrounds.

Strengthen IGF transparency

UN rules and processes related to IGF funding and IGF trust-fund account could be further clarified for stakeholders (or donors). Similarly the procedures for the IGF meeting site selection process could be more open and transparent. Both areas are important and can be improved, through publication to the multi-stakeholder community of all the relevant procedures.

Although there are high-level criteria available on the UN’s...
Solidify the procedures and composition of the MAG

process for MAG appointments, each constituency group has its own unique process for making MAG recommendations. These procedures should be collected and shared with all, and the UN’s selection criteria should be clear and the process transparent. Further, issues of a MAG mandate and operational processes that reflect the essential multistakeholder nature of the MAG should be promulgated to better articulate responsibilities, expectations and commitments. These deficiencies to the transparency, order and processes of the MAG should be addressed as part of the improvement of IGF.

ICANN accountability and post-transition IANA

Internet Corporation for Assigned Names and Numbers (ICANN) and the Internet Assigned Numbers Authority (IANA) functions are part of a larger Internet governance ecosystem. Business notes the importance of credible and appropriate multistakeholder engagement in all discussions about governance of the Internet as this best ensures informed consideration of important economic, technical, and public policy issues.

Post-transition IANA (PTI)

ICC BASIS supported the transition of the oversight of IANA stewardship functions from the National Telecommunications and Information Administration (NTIA) at the US Department of Commerce to a multistakeholder organization. As a long-time advocate of the need to ensure the continued security, operational stability and multistakeholder nature of the Internet, ICC BASIS welcomed the transition of stewardship of the IANA functions to the global multistakeholder community.

ICC BASIS and its cross sector membership of businesses and associations from around the world advocates the fundamental importance of a secure and stable Internet and strongly supports a multistakeholder approach to Internet governance.

ICC BASIS served the broad business community as a representative on the IANA Stewardship Transition Coordination Group, which put forward the proposal combining thoughtfully conceived approaches to the IANA stewardship transition developed by the three operational communities (names, numbers, and protocols), ensuring, to the extent possible, that, no incremental risk or instability is introduced into IANA’s functions, including the root zone management process, and that other existing agreements related to the IANA functions would be properly respected. ICC BASIS further commends the work of the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability), which developed appropriate accountability mechanisms that were put in place once the IANA stewardship functions were officially transferred from NTIA to PTI – the new entity – on 1 October 2016.

ICC BASIS notes the importance of the second phase of the Accountability working group in making sure the subsequent measures are identified and implemented and private sector
representation through ICC BASIS and members will be counted on to remain constructively engaged through the further implementation of these proposals.

The global stakeholder community was fully engaged, not only in developing milestones and timelines for the multistakeholder oversight of these critical functions, but also in fleshing out the intricate details of a new oversight framework for stewardship of these domain name system (DNS) functions. This serves as a testament to the value and viability of the multistakeholder process. Elements of the transition proposal have been developed and refined to ensure that changes to DNS stewardship will contribute to maintaining or enhancing the security, stability, resiliency, and interoperability of the global Internet. This is fully consistent with an over-arching goal in all facets of Internet governance, which is to ensure consumer and user trust in the Internet as a means of speech, creativity, innovation and legitimate commerce.

Business is committed to its role in the multistakeholder process and will safeguard these ends in carefully monitoring Post-transition IANA and priority ICANN activities.

**Connecting and enabling the next billion**

Enabling more people to gain access to the Internet is the most effective way to ensure diversity. Sustained efforts are needed by the global multistakeholder community to overcome outstanding challenges and continue to bridge digital divides. ICTs and the information society are essential in furthering sustainable development and inclusive growth. In order for the international community to make important steps in empowering sustainable development initiatives ensuring a stable and secure Internet connection for those unconnected will be vital.

**ICC BASIS recommends the following policy steps as crucial in efforts to connect and enable the next billion:**

**Encourage investment in broadband development:** The single most important issue for developing economies continues to be the question of how to create a sustainable broadband ecosystem that attracts investment and promotes the use, development and deployment of broadband and related products and services. Strategies proven to promote broadband deployment and, in turn, fuel the growth of the Internet include:

1) open and competitive markets with fair, investment-friendly and comparable regulatory intervention for all actors active in the digital value chain;
2) strong reliance on voluntary commercial arrangements;
3) policies that promote efficiency through engineering-driven design, such as the creation of IXPs; and
4) policies that promote the growth of the products and services delivered over broadband.

**Safeguard open markets:** Policies that restrict lawful use of the Internet or protectionist regulations such as localization requirements and other non-tariff trade barriers can inhibit the level of investment, innovation, and competition that would spur growth and creativity in local industry, evolve local ecosystems, and result in broader sustainable economic development.
rule of law, competition policies and frameworks encourage the necessary investment, innovation and growth to achieve the WSIS goals.

**Tackle Spectrum allocation:** Availability of spectrum, for both shared licensed and unlicensed use, has a critical role in promoting the accessibility of the Internet. Research and development on new technologies that lower cost and increase bandwidth, and opening up markets to competition, where feasible, can also help lower cost.

**Promote development of locally-relevant content, resources and tools:** Content is an important driver of broadband adoption. Increased availability of content that is relevant to local communities will drive adoption and a sustainable broadband ecosystem. Policies that promote the continued creation of locally relevant content should be encouraged, including protections for the freedom of expression, the press, privacy and intellectual property, the development of e-commerce infrastructure, consumer protections, and trusted online payment systems. Such policies should be market-driven and based on voluntary commercial arrangements, avoiding schemes that unduly burden any one sector over another such as mandatory must-carry regimes.

**Support capacity building and development of local businesses and innovations:** Policies are also necessary to continue the support of capacity building initiatives that seek to empower individuals and businesses locally to become content producers and develop business models that are unique and relevant to national economies. Small and medium size enterprises (SMEs) and individual entrepreneurs are the growth engine for sustainable economic development. Such capacity building initiatives need to focus on youths as the next generation that can strongly impact growth, and seek to encourage participation of girls and women.

**Strengthen institutional capacity and North-South cooperation:** Capacity-building remains critical to ensuring that institutions throughout the world are better able to collaborate online to address developmental issues and share information that can improve the quality of life for all people. In turn, more innovative financing is required to enable such investments. Greater efforts could be made through appropriate regional and global entities – such as the Internet Governance Forum (IGF) – to sow the seeds for expanded North-South cooperation that would facilitate the transfer of technology and know-how needed to realize the transition to a digital economy. The views of emerging economies are critical. The next billion Internet users will come from less-developed countries and they will play important roles in driving and shaping the development of the Information Society and the digital economy.

**Promote privacy and security:** Further cooperation and effort is needed to develop practices aimed at ensuring protection for personal data that not only provides necessary protection of sensitive personal data and privacy, but also enables data driven innovations. Notably, the processing of pseudonymised data would give more flexibility to companies while still maintaining a high level of data protection. Global cross border data flows enable both economic growth and societal benefits. Any public policy limitation to these flows should be consistent with agreed General Agreement on Trade in Services (GATS) commitments and applied fairly to all
actors in the ICT economy. Where there are multiple ways possible of being compliant with data protection and privacy regulations, businesses should be able to use the least burdensome but equally efficient method of compliance. Trust and confidence in the availability, reliability, and resiliency of information systems and networks, including the Internet, must continue to be strengthened in order to realise ICT-enabled economic growth and ensure the seamless operation of global business. All stakeholders must work together to promote effective cyber security practices and policies that protect users’ privacy and promote the open, secure, stable, resilient, and globally interoperable Internet.

**Inclusiveness and diversity**

Increasingly, the Internet provides greater access and ability to create more diverse content, including professional and user-generated content. It reduces barriers to entry for businesses, increases the ability to cater to niche markets and improves access to information through the use of various technologies, all contributing to cultural and linguistic diversity. We must work collectively and collaboratively to promote the use of technology to address pressing emerging country needs and to further societal benefit, while respecting local social and cultural norms. To enhance inclusiveness and diversity ICC BASIS recommends efforts to:

*Increase the ability of non-English speakers to communicate on and through the Internet:* The timely deployment of new internationalised domain names (IDNs), with attention to technical, trademark and trade name issues, can help ensure that all people can more fully realize their part in the global information society through the use of their own language.

*Give attention to developing tools that promote access for the elderly and those with disabilities:* People with disabilities experience a variety of barriers to fully participate in the information society. Particular attention should be given to developing tools and products and services that promote access for the elderly and those with disabilities. People with disabilities and senior citizens with sensorial, physical or cognitive impairments are excluded from mainstream information sources and services, reducing their ability to participate in information societies, and thus minimizing their potential contributions.

Business already contributes to establishing enabling environments through capacity building initiatives, education initiatives, promoting innovation and creativity, public-private research and development partnerships where business works together with other stakeholders.

*Protect women’s rights to freedom from discrimination and exclusion and support their rights to political, economic, cultural and social participation:* Access to the Internet significantly contributes to protecting women’s rights to freedom from discrimination and exclusion and supporting their rights to political, economic, cultural and social participation.

Ease and cost-effective use of technology and the Internet across schools and health facilities can be achieved, among others, through provision of policy and regulatory conditions that stimulate access to the Internet and to information.
Protect intellectual property: Intellectual property protection and appropriate enforcement is critical to enhancing cultural and linguistic diversity, in particular for developing countries with nascent creative and innovative industries.

**Cyber security and trust**

In formulating public policy, governments must collaborate with other stakeholders to promote a culture of security, with appropriate legislation in place to combat cybercrime. Similarly, appropriate policies and legal frameworks related to data protection and privacy are also essential to assuring that consumers and citizens can continue to trust in engaging in transactions and using services online. Business identifies the following actions essential to enhancing trust and responding to the large and growing range of cyber security threats:

**Secure networks:** Businesses constantly develop and deploy measures designed to ensure the security of networks, protect users and protect the content residing on these networks from attack. The [ICC Cyber Security Guide](#) provides guidance for companies of all sizes in improving cyber security. Government should ensure that the necessary laws are in place to make such attacks illegal, prevent crime and enforce laws.

**Public-private cooperation:** Effective public-private cooperation is essential to strengthening Internet security and responding to the large and growing range of cyber security threats to the global Internet.

**Effective cross-border criminal investigation and prosecution:** Business encourages effective cross-border criminal investigation and prosecution as consistent with the rule of law and international treaties, arrangements and international cooperation mechanisms. Governments should strive to interpret and enforce existing criminal legislation to cybercrimes, instead of creating Internet-specific legislation. Business encourages effective cross-border criminal investigation and prosecution as consistent with the rule of law and international treaties, arrangements and international cooperation mechanisms. Often, the actual crimes are not new, but the means by which they are committed require that governments review their criminal legislation to ensure that the appropriate legislation and resources are in place regardless of the technology used.

Governments should ensure similar criminalisation of specific cybercrimes and crimes committed in cyberspace to avoid the creation of ‘cybercrime havens’.

**International cooperation mechanisms:** Arrangements and international cooperation mechanisms between enforcement agencies can often be an effective way to deal with cybercrime that crosses borders.

When establishing substantive offenses, governments should take care not to inadvertently prevent legitimate and legal activities and further innovation.

**Self-commitments of market participants:** Cyber security standards can often be best achieved through self-commitments of market participants, and various initiatives and
cooperation groups already have been set up. The ICC Cyber security guide provides tools and guidance to businesses of all sizes to encourage higher security. Security testing should be permitted in a manner that facilitates the adoption of Common Criteria (see, e.g. [https://www.commoncriteriaportal.org/](https://www.commoncriteriaportal.org/)) and is consistent with existing applicable law. The common standardisation approach enables dynamic adaptation, in order to adjust and take into account technology changes, diverse threats and risk scenarios.

**Increase transparency:** Surveillance should be conducted in a manner appropriate and proportionate to the risk posed. Moreover, transparency is essential to a debate over governments’ surveillance powers and the scope of programs that are administered under those powers.

**Enhanced dialogues:** More dialogue is needed on surveillance at the international level between governments and among business and other stakeholders, using international forums to develop a common understanding on all the related aspects.

### Cross border data flows

ICC urges governments to ensure all citizens and companies can realize the full potential of the Internet as a platform for innovation and economic growth, by adopting policies that facilitate the adoption of new technologies and global movement of data that supports them. Establishing clear rules and enforcing roles and responsibilities in the data processing value chain are the keys to maintaining responsibility over compliance irrespective of locality. In this context, business recommends policy-makers:

**Build trust:** Governments should adopt policies to build trust by ensuring that users have appropriate control and practical mechanisms with regard to how personal data is used, and the companies to which they entrust their data should adopt recognized and applicable best practices to ensure that the data is appropriately secured as technology and services evolve.

**Establish a new trade principle:** Policymakers should promote the establishment of a new trade principle, with the underlying objective of allowing the flow, storage, and handling of all types of data across borders, subject to privacy and security laws and other laws affecting data flow covered under General Agreement on Trade and Services (GATS) XIV. Trade agreements that address data flows should support and emphasize the importance of enabling data flows, prohibit unjustified or blanket restrictions on data flows, and establish fair and binding rules to facilitate information flows across borders.

**Be non-discriminatory and least trade restrictive:** Certain compelling public policy issues - including privacy and security - are recognized as possible exceptions and may form a legitimate basis for governments to place some limits on data flows if they are implemented in a manner that is non-discriminatory, is not arbitrary, is least trade restrictive, and not otherwise a disguised restriction on trade.
Promote GATs consistency: If policy makers decide to implement certain limits on cross-border data flows for privacy and security objectives, consistent with GATS obligations, they should ensure that such requirements include all relevant players and are equally applied.

Encourage coherence: Trade agreements should promote policy coherence in national rules and regulations that affect the movement of goods, services, and information across borders.

Support SMEs: Trade agreements should support the Internet’s enabling role for SMEs to grow and participate in global trade.

Emerging technology

Emerging technologies are being used in a variety of ways for societal benefit and are strengthening the global economy. As today’s technological advances are happening dynamically, only flexible, globally-consistent, and market-driven policies will continue to fuel innovation. With an improved understanding of how the technology operates in practice, policymakers will be in a position to better determine which policies may be most appropriate to avoid unintended consequences and remove barriers or constraints to innovation.

Given the cross sectoral ways emerging technology can be leveraged to help reach the SDGs, ICC encourages policymakers to remove barriers to implementation and introduce new regulatory obligations only if necessary and supported by evidence based analysis. Governments should consult with stakeholders when reviewing the adoption of new technologies to consider whether existing regulation facilitates adoption or whether new issues may arise that would require a different policy response.

Specific ICC recommendations for policymakers include:

- Efficiently manage spectrum, invest in high performance and secure broadband networks
- Connect legacy systems
- Focus on accountability for the appropriate collection, use, and protection of data
- Provide robust and appropriate data protection
- Encourage commercially available solutions and drive innovation
- Enhance skills and training
- Enable convergence and adopt technology-neutral and interoperable approaches
- Sustain adequate and effective intellectual property protection
- Develop common or interoperable approaches between countries or regions
- Foster public-private partnerships

Business is taking important steps to ensure the full potential of the emerging technologies of Internet of everything are realised. In order to harness emerging technology and increase its societal and economic benefits, ICC encourages business to pursue efforts to:

- Address connectivity
• Design privacy and security strategies
• Enrich consumer experience
• Collaborate in open participation
• Manage data dynamically

ICC considers public-private partnerships as essential to facilitating the research, leadership, and governance required to advance an overarching Internet of everything vision and remains available to work with policymakers as they continue to define practical, optimally effective policies to reap the full benefits of the Internet of everything.

For further information ICC policy recommendations on emerging technology please refer to the ICC policy primer on the Internet of everything

**Regulatory modernization**

Regulatory modernization should neither equate to a need to increase regulatory measures for the full digital market ecosystem, nor should it presume a need for new sectoral regulation. Regulation should be flexible enough to meet policy objectives without stifling development or innovation. In order to modernize the regulatory and competition framework, the following recommendations are relevant to consider by policymakers and regulators:

*Adopt a regulatory mindset that promotes the value of the entire communications and digital services ecosystem, and considers the public interest:* This will foster a positive environment for the investment in the development and proliferation of capable and compelling digital networks, content, applications, and services. Future regulatory landscapes must reflect and embody that mindset.

*Provide consumers with predictable levels of protection by reforming regulatory frameworks for communications and digital services:* This is about finding the appropriate level of rules for consistently protecting consumer rights in the digital economy and fostering the development of new services and innovation for all.

*Apply competition and consumer protection laws across the entire economy, and favour the use of such broad tools to the creation of new sector specific regulations:* Wherever possible, reliance on existing general competition and consumer protection laws is preferable to new prescriptive regulations that could stifle investment and innovation.

*Encourage the open and unfragmented Internet to continue to flourish:* The open and global nature of the Internet has enabled an unprecedented boost in terms of competition, consumer choice, innovation and entrepreneurship.

*Avoid prescriptive ex ante regulation.* In an era of convergence and rapidly evolving technologies and business models, there are strong merits to relying on ex post competition law to address problems where they arise avoiding prescriptive ex ante regulations.
Internet and human rights

Rights that people have offline must also be protected online, in accordance with the rule of law and international human rights legal obligations. Restrictions on freedom of expression and access to arts and culture using communications services and the Internet will diminish their usefulness, dampen the exchange of ideas, undermine public accountability, and reduce innovation and commercial opportunities. In order to promote freedom of expression and access to arts and culture ensure human rights online business recommends policies that are:

**Consistent with established trade laws and human rights**: While business recognises the need to comply with local laws, including those on privacy and security, they should be consistent with established trade rules and human rights.

**Respect the rights of others and the rule of law**: Business strongly supports freedom of expression and the free flow of information, including access to arts and culture online, in a manner that respects the rights of others and the rule of law. ICC strongly recommends that governments adopt the principle that the offline laws and rules apply equally online and on the Internet.

**Support the free flow of information**: Business stresses the need and importance of cross-border data flows to the functioning of the digital economy and continued achievement of the Information Society. For the freedom of expression online to be fully exercised requires the free flow of information. Governments should work together with business to develop policies and practices to maximize freedom of expression and the free flow of information over the Internet.

**Consistent with international treaties**: The right to free expression or access to arts and culture is not without limit, but should only be limited when necessary to enforce rules of law consistent with international treaties, such as protecting the rights of others, and any such restriction should be based in transparent laws and regulations. Decisions on Internet governance and policy issues on all levels should be consistent with international human rights.

**Governments should address human rights issues with other governments directly**: Business encourages national governments to address human rights issues with other governments directly.

ICTs for sustainable development

ICTs are both enablers and drivers of sustainable solutions. Smart ICT applications and the Internet can enable energy efficiency improvements in areas as diverse as building design and maintenance, transport and logistics, electricity generation, distribution and consumption, travel substitution, product dematerialization and enable a myriad of other daily process efficiencies. Equally, ICTs provide information and analytic tools to organizations and individual consumers which empower them to adapt their behaviour in an environmentally responsible manner. In order to empower sustainable development through the catalytic power of ICTs business encourages policy makers to:
Recognise potential of ICTs: Policies should recognise the potential of ICTs to address key societal goals with an appropriate investment friendly environment and the continue flexibility to innovate: Misguided regulations (e.g., flat energy consumption taxes) could stifle innovation and have the opposite effect vis-à-vis energy reduction goals.

Enhance collaboration: Policy makers and regulators need to closely work together with ICT companies this will help develop the right framework conditions for innovation and implementation of developing ICT solutions.

Participate in international-standard setting process: Policy makers have an important role to play when it comes to educating consumers and participating in the international standard-setting process. Having a global carbon accounting standard which is recognisable, quantifiable, documented and accountable would help the adoption of innovative technologies that can be immediately translated into economic benefit, regardless of where a company is operating.

Encourage broader perspectives: Policymakers should also be encouraged to look at the role of ICTs in the sustainability debate from a broader perspective: Innovative ICT solutions can help organizations map out their priorities, informing decisions as to funding, staffing and resource allocation to improve sustainability and profitability, further driving growth and innovation.

Improve broadband and telecommunication infrastructure: Modern, high speed broadband networks and a modern telecommunication infrastructure will be the crucial enabler for almost all industries and essential for leading the way to a low carbon society.

Coordinate and report ICT for development in the context of the 2030 Agenda: The road to achievement of nearly all the Sustainable Development Goals needs to be paved with the use of ICTs both connected over the Internet and in back end-systems. Business calls for coordination of reporting on ICT for development within the context of the 2030 Agenda for Sustainable Development

These messages have been sourced from the policy work of the ICC Digital Economy Commission and various ICC BASIS contributions to the IGF and WSIS process including:

- ICC policy statement on regulatory modernization in the digital economy (2016)
- ICC policy primer on trade in the digital economy (2016)
- ICC policy primer on the Internet of everything (2016)
- ICC BASIS input for the UNGA WSIS plus 10 Review (2015)
- ICC BASIS input to the UNGA WSIS plus 10 Review non paper (2015)
- Statement of ICC BASIS on Improvements to the Internet Governance Forum (IGF) Business Reaffirms the Value of the IGF and the Multistakeholder Model (2014)
- ICC BASIS response to NTIA announcement regarding the transitioning of IANA functions to the global multistakeholder community (2014)
- ICC BASIS submission to NETmundial (2014)
- ICC discussion paper on ICTs and environmental sustainability (2012)
- ICC, Policy statement on the freedom of expression and the free flow of information on the Internet, (July 2012)