Outcome Document on Network Neutrality

This document has been developed through an open and multistakeholder process facilitated by the IGF Dynamic Coalition on Network Neutrality (DCNN). The process has been initiated with a Request for Comments aimed at the development of one or more Policy Statement(s) on Net Neutrality. The process has been promoted by members of the DCNN and the Global Net Neutrality Coalition (GNN), and aimed at the definition of an agreed position on net neutrality, based on the Model Framework on Network Neutrality developed by the DCNN.

The DCNN Model Framework (MF) was presented at the 8th IGF in Bali and included in a Report on "Protecting Human Rights through Network Neutrality" delivered to the Council of Europe Steering Committee on Media and Information Society to be used as a working document for the elaboration of a Draft Recommendation on Net Neutrality. To date, DCNN members have conveyed the MF to several Parliamentary assemblies (EU Parliament, Argentinian Senate and South Korean Parliament) whilst the GNN has decided to utilise the MF as "Model Rules". Although it has already played an inspirational role, the MF has never been officially validated by the IGF community at-large, as pointed out by the Final Chair's Summary of the IGF 2014, according to which *"[t]he ninth IGF concluded with looking at the role of the IGF in taking the network neutrality discussion forward. [...] The Dynamic Coalition on Network Neutrality will continue the discussions leading up to the 2015 meeting, but the view was also held that there was a need to develop a process that allowed the entire IGF community to weigh in and validate the findings of the Dynamic Coalition."*

This lack of validation was primarily due to the lack of an official process aimed at discussing dynamic coalitions' outcomes within the IGF community. The IGF 2015 introduced for the first time a main session allowing dynamic coalitions to present their work to the broader community, thus contributing to the definition tangible IGF outputs, as recommended by the CSTD Working Group for IGF Improvement. The development of a Policy Statement on Network Neutrality is consistent with the Chair's Summary and aimed at feeding the main session on dynamic coalitions' outcomes with a concrete proposal.

The Policy Statement on Network Neutrality has been elaborated through several rounds of consultation, organised from the beginning of May to the end of September 2015. According to DC NN Rules of Procedure, two drafters have been designated in order to "*manage the elaboration of the position or statement and consolidate received comments with the aim of achieving a consensus document.*"
The two designated drafters were:
- Luca Belli, DCNN Co-Chair and Senior Researcher at the Center for Technology & Society at Fundação Getulio Vargas, Rio de Janeiro
- Michał Woźniak, Warsaw Hackerspace and Polish Linux Users Group

Policy Statement on Network Neutrality

Preamble
   a) The Internet should be open, secure and accessible to all people.
   b) Network Neutrality plays an instrumental role in preserving Internet openness; fostering the enjoyment of Internet users' human rights; promoting competition and equality of opportunity; safeguarding the generative peer-to-peer nature of the Internet; and spreading the benefits of the Internet to all people.
   c) Managing Internet traffic in a transparent and non-discriminatory manner compatible with the Network Neutrality Principle serves the interests of the public by preserving a level playing field with minimal barriers to entry and by providing equal opportunity for the invention and development of new applications, services and business models.
   d) Competition among broadband networks, technologies and all players of the Internet ecosystem is essential to ensure the openness of the Internet.
   e) All individuals and stakeholders should have the possibility to participate in the elaboration of any Network Neutrality regulatory instrument.

Network Neutrality regulatory instruments should, at a minimum, provide the following safeguards.

1. Network Neutrality Principle
Network Neutrality is the principle according to which Internet traffic is treated without unreasonable discrimination, restriction or interference regardless of its sender, recipient, type or content or terminal equipment used.

2. Reasonable Traffic Management
Internet service providers should act in accordance with the Network Neutrality Principle. Any deviation from this principle may be considered as reasonable traffic management as long as it is necessary and proportionate to:
   a) preserve network security and integrity;
   b) mitigate the effects of temporary and exceptional congestion, primarily by means of protocol-agnostic measures or, when these measures do not prove practicable, by means of protocol-specific measures;
   c) prioritise emergency services in the case of unforeseeable circumstances or force majeure.

3. Law Enforcement
None of the foregoing should prevent Internet service providers from giving force to a court order or a legal provision in accordance with human rights norms and international law.

4. Transparent Traffic Management
Internet service providers should publish meaningful and transparent information on characteristics and conditions of the Internet access services they offer, the connection speeds that are to be provided, and their traffic management practices, notably with regard to how Internet access services may be affected by simultaneous usage of other services provided by the Internet service provider.

5. Privacy

All players in the Internet value chain, including governments, shall provide robust and meaningful privacy protections for individuals' data in accordance with human rights norms and international law. In particular, any techniques to inspect or analyse Internet traffic shall be in accordance with privacy and data protection obligations and subject to clear legal protections.

6. Implementation

The competent national authorities should promote independent testing of Internet traffic management practices, ensure the availability of Internet access and evaluate the compatibility of Internet access policies with the Network Neutrality Principle as well as with the respect of human rights norms and international law. National authorities should publicly report their findings. Complaint procedures to address network neutrality violations should be available and violations should attract appropriate fines. All individuals and stakeholders should have the possibility to contribute to the detection, reporting and correction of violations of the Network Neutrality Principle.

List of Contributors

- Luca Belli, Fundação Getulio Vargas (co-drafter)
- Michal Wozniak, Polish Linux Users Group (co-drafter)
- Gonzalo Lopez-Barajas, Telefonica
- Eduardo Chomali, Asociación Interamericana de Empresas de Telecomunicaciones
- Chris Riley, Mozilla
- Jeremy Malcolm, EFF
- Abhik Chaudhuri, Tata Consultancy
- Lorenzo Pupillo, Telecom Italia
- Grupo Usuarios de Interent en Ecuados
- Sudeep KC, Gujarat Industrial Development Corporation
- TechFreedom
- Ekenda Lamsal, ICT Expert dedicated to #ICT4DNepal
- Facebook
- Chris Marsden, Sussex University
- Konstantinos Stylianou, Leeds University
- William Ametozion, Network Engineer
- Kamumuri Sraju, entrepreneur and technolgist
- Nathalia Foditch, Washington University
- Greg Shatan, Abelman Frayne & Schwab
- Brandt Dainow, iMedia Connection
- Seth Johnson, Internet Distinction
- Parminder Jeet Sing, ICT for Change
- ACCESS

- Roslyn Layton, University of Copenhagen
- John Laprise, Consulting Scholar
- Christopher Wilkinson, ISOC Luxembourg
- Vint Cerf, Google
- Cellular Operator Association of India
- European Digital Rights
- Judith Hellerstein, University of Maryland
- Richard Hill, Association for Proper Internet Governance
- Fastweb
- European Broadcasting Union
- Chip Sharp, CISCO
- Louise Nasak, Individual Consultancy Group