

# ABRINT - BRAZILIAN ASSOCIATION OF INTERNET AND TELECOMMUNICATIONS SERVICE PROVIDERS

#### CONTRIBUTION FOR GLOBAL DIGITAL COMPACT

#### **ABOUT ABRINT:**

ABRINT - Brazilian Association of Internet and Telecommunications Providers is a non-profit civil association whose social objective is to represent Regional Internet Service Providers. Our Association currently has more than 1,500 members, spread throughout the national territory, establishing itself as the largest representative association in Brazil of ISPs.

Our intense dialogue with the regulator favored the understanding of the particularities of the regional ISPs market and the formulation of an asymmetrical regulatory policy in order to achieve meaningful connectivity.

This asymmetrical regulatory policy greatly advanced Brazil's broadband connectivity goals by positioning Brazil's 20,000+ ISPs to provision more reliable fixed connections. This is a unique case: ISPs leads in growth and market share, providing Internet connectivity for more than 50% of the more than 45 million fixed access points, which are mostly enabled via fiber to the home (FTTH).

ABRINT strongly welcomes the initiative of the United Nations and the Secretary General to propose a Global Digital Compact, as a key high-level track of the Summit of the Future, which recognizes the vital role which digital technology and the internet plays in the economy and society of the future. The importance of the involvement of the full multistakeholder community throughout the entire Global Digital Compact process is highly appreciated as well.

The Global Digital Compact must be anchored in respect for human rights and serve as a roadmap for a human-centric, global digital transformation. It should be ambitious and express a clear vision that provides a framework for the increasing activity across the UN family, respecting all mandates, particularly the ITU, UNESCO, UNIDO and the IGF, and be anchored in robust support for Human Rights. We expect the Global Digital Compact to support an internet that is open, stable, free, inclusive, global, interoperable, reliable, secure and sustainable.

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#### Connect all people to the internet, including all schools

#### **Core principles:**

The analysis of themes by Abrint involves an understanding of the post-regulatory State Theory, the functioning of the internet, and the need to preserve the rights of information, expression, and thought.

The post-regulatory State Theory emerged as a response to the weaknesses of the state regulation model based on command and control. This approach argues that the State should adopt a more flexible and adaptable posture, using market mechanisms, self-regulation, and coregulation to deal with the complexities and challenges of regulating economic activities in the digital age.

When we correlate the thoughts of Jacques Chevallier, Colin Scott, and Brownsword, the State qualifies for the mission of an "empowerer," providing citizens and companies with information and tools so they can make conscious and responsible choices. In this perspective, regulation should be seen as a way to achieve trust in the online environment and increase transparency and accountability of economic agents.

The post-regulatory State does not mean the absence of regulation or minimal State, but rather a change in the way regulation is conceived and applied. Some principles such as prudence, legitimacy, efficiency, and connection should guide this regulatory work.

Prudence seeks to ensure that the regulation of new technologies is cautious and evidence-based, and legitimacy involves the democratic and socially accepted composition of its rules. Efficiency refers to solutions that are effective in protecting fundamental rights and public safety, without detriment to market innovation.

Finally, we have the principle of connection, which refers to the idea that the regulation of new technologies should be connected to other areas of law and society, not being dissociated from consumer law, personal data protection, and competition defense.

The Global Digital Compact should be able to highlight principles, recommendations and actions in accordance with prudence, legitimacy, efficiency and connection, as mentioned and also with article 19 of International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

The Article 19 of the International Covenant on Civil and Political Rights states that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and





impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". Furthermore, the article states that the exercise of this right carries special duties and responsibilities. Therefore it may be subject to certain restrictions, which, however, should be only such that are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order, or of public health or morals.

On the other hand, the Universal Declaration of Human Rights, in its Article 19, affirms that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". The declaration also highlights that the freedom of expression should be guaranteed without interference and that everyone has the right to freedom of thought, conscience and religion.

Global Digital Compact must recognize the importance of freedom of expression as a fundamental right that must be protected and respected. Freedom of expression is essential for the functioning of a democratic society, allowing people to express their opinions, ideas, and concerns, as well as enabling public debate and scrutiny of governments and institutions.

Some 2.7 billion people in the world lack access to the Internet - Facts and Figures 2022 (itu.int) - the majority of whom are women and girls in low- and middle-income countries. Furthermore, two thirds of the world's school-age children – or 1.3 billion children aged 3 to 17 years old – do not have an Internet connection in their homes. This is further complicated when we examine the nuances of the global digital divide such as the gaps between urban and rural access and a further divide between men and women users, with men being more connected predominantly in poorer countries.

Delivering universal meaningful connectivity requires effective action on all these layers of the ICT ecosystem:

- (i) Internet access
- (ii) Affordability
- (iii) Digital skills and education
- (iv) Relevant content and services
- (v) Online safety

We must have public policies and regulations able to promote the value of the entire communications and digital services ecosystem as well as regulatory policies that can promote competition, being technology-neutral, and supportive of innovative business models. Also, to promote the needed universal access to technology and meaningful connectivity, the private sector's role should be acknowledged, and a comprehensive strategy involving various stakeholders should be developed. This strategy should aim to improve digital capabilities,





increase funding for deployment of networks in remote areas, data collection, and develop regional and national programs that bridge the digital divide. Collaboration among relevant UN agencies and intergovernmental organizations should be encouraged to ensure local context and wisdom are taken into account. Ultimately, the goal is to ensure that no one is left behind in the digital world.

# Connect all people to the internet, including all schools

# **Key commitments:**

ABRINT works with the objective of fostering meaningful connectivity in Brazil and share good practices and regulatory policies able to achieve this in other Latin America countries. By rallying different stakeholders to bring the meaningful connectivity agenda to the forefront of digital inclusion dialogues and policy-making processes, we aim to fast-track this goal, supporting decision process, helping ISPs all over the Brazilian territory and elaborating research and analysis providing the needed evidence to support policy change.

Also, in the context of neo-constitutional vision, access to high-speed internet has been recognized as a basic right, similar to the right to access clean water and electricity. As such, it is incumbent upon governments to ensure that all citizens have access to affordable and high-quality internet services. This includes working with ISPs to ensure that they are providing services that meet the needs of their communities and that they are doing so in a way that is equitable and inclusive.

To achieve rapid and efficient action to close the connectivity gap, regulators should:

- 1. Facilitate investment across the entire digital value chain;
- 2. Effectively manage use of spectrum, also allocating band for unlicensed use (such as 6 GHz);
- 3. Ground policies in evidence and data;
- 4. Support asymmetric regulations in order to balance competition;
- 5. Guarantee last mile connections and the deployment of regional and community networks;
- 6. Facilitate infrastructure sharing mechanisms and new approaches to financing broadband networks;
- 7. Drive capacity building strategies to achieve digital transformation and gain all economic externalities.

**Avoid internet fragmentation** 

**Core principles:** 





Initiatives that try to conform and force this virtual space into a national legal system can potentially result in its fragmentation process.

In accordance with Drake W. Cerf V. Kleinwächter W. 2016. ("Future of the Internet Initiative White Paper, Internet Fragmentation: An Overview". World Economic Forum. January. p.3-4), the Open Internet provides a baseline approach from which fragmentation departs and against which it can be assessed. Particularly important are the notions of global reach with integrity; a unified, global and properly governed root and naming/numbering system; interoperability; universal accessibility; the reusability of capabilities; and permissionless innovation. Its dimensions are: (I) Technical Fragmentation: conditions in the underlying infrastructure that impede the ability of systems to fully interoperate and exchange data packets and of the Internet to function consistently at all end points; (ii) Governmental Fragmentation: Government policies and actions that constrain or prevent certain uses of the Internet to create, distribute, or access information resources; (iii) Commercial Fragmentation: Business practices that constrain or prevent certain uses of the Internet to create, distribute, or access information resources.

The internet is flexible and has at its core the ability to adapt to different uses and needs. It is an open and decentralized network, with interoperable technical standards, where anyone can connect and share information and ideas. Here, no one should ask anyone else for permission. In practice, this means that freedom of expression on the Internet should not be restricted unless there is a clear, legal, and legitimate justification.

The Global Digital Compact should reiterate all member states' shared commitment to keeping the Internet whole, open, interconnected and interoperable, recognizing the efforts of the Internet Governance Forum Policy Network on Internet Fragmentation to understand, map and bring recommendations to counter measures that might fragment the Internet at any of its dimensions.

#### **Avoid internet fragmentation**

### **Key commitments:**

Our members understand the importance of an open internet and take their commitment to it seriously. They recognize that a fragmented internet and poor cybersecurity standards can lead to decreased trust in digital technologies, affecting individuals, businesses, governments, and society as a whole. To support this commitment, our members endorse the Internet Governance Forum Policy Network on Internet Fragmentation (IPNF), which aims to define internet fragmentation and its causes and effects, and establish shared principles, recommendations, or codes of conduct to prevent fragmentation and preserve an open, interconnected, and interoperable internet. Our members strongly oppose internet shutdowns, including government-mandated shutdowns, as they undermine trust in the internet and digital economy, violate human rights, and harm the economic prospects of individuals, businesses, countries, and



regions. Any restrictions on internet access must be firmly grounded in international law and have a legitimate legal basis.

It is important to ensure that the current model of the internet is developed, deployed, and managed within inclusive and multi-stakeholder institutions to prevent fragmentation. Additionally, ABRINT is committed to maintaining the multi-stakeholder ecosystem of internet governance and preventing geopolitical influence on the fundamentals of the internet. To achieve this, ABRINT always participate in global and regional multi-stakeholder forums like the Internet Governance Forum to discuss and negotiate internet governance matters. Finally, we also promote a human-centric approach to the internet.

Brasília, April 14th, 2023.

Mauricélio Oliveira - President

Cristiane Sanches de Souza Corrêa – Chairwoman leader