

To the negotiating nations of the Trans-Pacific Partnership (TPP) Agreement

Currently in its 15th round, the TPP has followed a procedural path that, in our view, has not been sufficiently inclusive and transparent. The process of negotiations has hitherto followed the traditional route of involving only governments and governmental representatives. We understand this approach to the extent that, historically, trade-related agreements have always been conducted under a similar, behind-closed-doors process. But, this is not a typical trade agreement; it involves issues that also extend to the Internet and its platforms – and, this raises some valid questions regarding process.

Back in 2005, during the World Summit on the Information Society (WSIS) in Tunis, Heads of States and government committed to the Tunis Agenda,¹ which included a section on Internet Governance. Paragraph 34 of the Tunis Agenda, described Internet governance as *“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”*. By accepting this working definition, Heads of States and government have subscribed to the fact that all issues pertaining to the Internet, including those of public policy, should be detached from traditional rule making and become part of a new governance arrangement – one that is based on cooperation, collaboration and partnership. Under the Tunis Agenda, Internet governance is to be conducted through a multistakeholder framework, where each stakeholder participates, offering different perspectives. In particular, article 68 of the Tunis Agenda states: *“[...] We also recognize the need for development of public policy by governments in consultation with all stakeholders”*. We feel that multistakeholder governance should constitute the foundation and the basis for all future policy work in the Internet space.

Internet governance is not a monolithic concept and should not be considered as such; it is constantly evolving to include all issues that, directly or indirectly, affect the Internet and its technologies. One such issue concerns the protection of intellectual property rights and the way they are expressed in the Internet. The recent debate on SOPA and PIPA in the United States as well as that of ACTA in the European Union manifested that discussions on intellectual property are part of the Internet governance landscape and they further necessitate a multistakeholder approach. It is only through an inclusive process that all interested parties can effectively engage and provide input on issues that will, ultimately, have an impact on the way users experience the Internet and its services.

In fact, various governments have started upholding multistakeholder participation as their official Internet governance position. In the United States, for instance, both Democrats and Republicans, in both Houses of Congress, have affirmed the multistakeholder Internet governance model and have unanimously passed resolutions making clear that the *“consistent and unequivocal policy of the United States [is] to promote a global Internet free from government control [and]*

¹ <http://www.itu.int/wsisis/docs2/tunis/off/6rev1.html>

to preserve and advance the successful multistakeholder model that governs the Internet today”.

In view of the fact that countries, including the United States, are endorsing multistakeholder governance as their official position for all Internet-related matters, it only makes sense for this model to be repeated in this instance. We therefore urge the negotiators of the TPP to make this process more transparent and inclusive, following the multistakeholder model, at least for those chapters of the agreement pertaining to the Internet. Allowing all interested parties to actively participate and provide input during the negotiations, as called for by the Tunis Agenda, would give a higher legitimacy to the process and, would ensure a more informed agreement, bringing in technical, economic and social perspectives.