Governmental Fragmentation - main threat for Internet Future: examples, abuses, possible solutions
Background paper
#Internet fragmentation #freedom_of_expression_online

Statement of purpose

Freedom of expression restrictions, including content and platform blocking, became part of our life. Nowadays self-regulated internet transforms to overregulated: every country imposes its own rules on blocking, enforcing users and resource owners to comply with rules of more than 200 countries around the world.

It is impossible to imagine modern internet without Hypertext Transfer Protocol (HTTP). In 2016 W3C extended list of HTTP status codes with "451 Unavailable For Legal Reasons". Among all error codes addressing various technical failures, this is the only one specifically addressing legal issue. This illustrates significance of changes that happen to internet under the pressure of regulations.

It is impossible to imagine modern internet without user generated content. In 2016 W3C extended list of HTTP status codes with "451 Unavailable For Legal Reasons". Among all error codes addressing various technical failures, this is the only one specifically addressing legal issue. This illustrates significance of changes that happen to internet under the pressure of regulations.

Regulations emerging all over the world shape internet of the future. Laws of different jurisdictions heap up towards website content blocking and impose challenges to internet access, freedom of expression and internet fragmentation.

Relevance to Internet Governance, IGF themes and subthemes

Nowadays content blocking measures taken by one country have extraterritorial nature, since they may affect whole internet. These measures undermine worldwide accessibility of information and restrict users' right to freedom of expression. Moreover, national non-harmonized approaches push internet fragmentation further. Website content blocking injunctions shape the design of internet, because an access to information is provided depending on these injunctions. For example, growth of content blocking efforts of different governments led to introduction of new HTTP status code "451 Unavailable For Legal Reasons".

Lack of unified approach to content blocking measures makes accessibility map of various content unpredictable, since every country has its own rules to forbid an access to information. National jurisdictions heap up towards content blocking and hamper an access to information, restricting freedom of expression right. Future internet design depends on approaches towards website content blocking: whether countries would harmonize approaches to access to internet content to provide higher level of certainty or whether countries would use non-harmonized national approaches jeopardising internet integrity. Thus, the discussion of national jurisdictions laws harmonisation is important, because internet future design depends on consensus between countries.

Among disadvantages of absence of harmonized approach in relation to internet governance in general and website content measures in particular we could outline the following:

1. Accessibility map of various content is unpredictable, because jurisdictions of different countries heap up towards website content injunctions.
2. Content available worldwide in the internet might be accessed by users of one country, whilst access is forbidden for users of other countries. Thus, right to information and freedom of expression right depend on users' location.
3. Internet-business owners should comply with multiple and controversial requirements of different countries.

Review of the current situation.

Countries impose various website blocking injunctions, restricting an access to internet content for various reasons. Principles of sovereignty and territoriality, as well as controversial interests of different countries do not promote collaboration between countries in cyberspace. Countries tend to restrict freedoms and rights to keep centralized government.

Recent examples of countries-centralized approach to regulation are Wuzhen Declaration, NetMundial Initiative, UN Internet Treaty, which demonstrate that national interests prevail in internet regulation.

However, future of human rights online, net neutrality principle depend on how these issues are addressed nowadays: stakeholders should ask for a dialog between countries to develop a harmonized approach towards internet regulation, protecting human rights online rather than providing territoriality principle and restricting rights.

There are no examples of successful platform blocking, lead to reasons blocking was introduced. For seldom exclusions, examples of Russia, China and other countries introduced these practices, blocking is a mechanism of political censorship, which is directly prohibited in different countries' constitutions. We can provide example of the art. 29 of the Russian Constitution.

List of questions to be discussed and/or to be asked to key players
1. Extraterritorial nature of national rules on content blocking: next step on a path of internet fragmentation to the future without Internet
2. Cutting-edge cases of content blocking injunctions
3. Circumvention of regulations, protocol, methods, experience
4. Internet fragmentation in lack of national laws harmonization
5. Actual hour for national laws harmonization
6. Internet of the future or future without internet