

Regional Roundtable

Internet Fragmentation and Human Rights in Latin America and the Caribbean

12 March 2024

Background

The availability of a global open, interoperable, reliable, and secure Internet is necessary for the exercise and enjoyment of human rights in the digital age. However, these basic characteristics of the Internet are currently under threat. There is a lack of understanding of the issue of Internet fragmentation and the capacity to counter such threats, particularly among civil society. Countering threats to an open, interoperable Internet effectively requires region-specific understandings. Despite this, current discussions on Internet fragmentation have been largely siloed.

To address this gap, GPD is convening a set of stakeholders from the private sector, policymakers, and civil society for a series of roundtable discussions catered to a specific region. The aim of the roundtables is to (1) advance awareness and common understanding of Internet fragmentation threats in key regions and; (2) identify opportunities to counter them.

Session Summary

The third roundtable took place in March 2024 and focused on Internet fragmentation within the Latin America and the Caribbean (LAC) region. The roundtable convened stakeholders from across the Internet governance landscape— including representatives from the private sector, technical community, policymakers, standards development bodies, and civil society.

The roundtable featured two rounds of interventions made by panellists and, later, a Q&A session. The event aimed to discuss the relationship between digital sovereignty and Internet fragmentation. The discussions revolved around the implications of a fragmented Internet, its effects on digital rights, and how multistakeholder cooperation could help address the challenges posed by fragmentation, responding to some of these guiding questions:

- What does it mean to have a fragmented Internet?
- What are the specific impacts of a fragmented Internet on the LAC region?
- Is there an opposition between digital sovereignty and one globally

connected Internet?

- How can we identify and tackle Internet fragmentation processes?
- How can we strengthen a multistakeholder arrangement to avoid Internet fragmentation?
- What are the specific roles of each stakeholder?
- Is there a relationship between net neutrality and Internet fragmentation?
- How can the fair share proposals affect the global Internet as we know it?

Session Overview

Panel 1: Defining Internet fragmentation

The first session aimed to provide an introduction to Internet fragmentation as a concept and establish a commonly understood definition for discussion. Panellists highlighted the different forms of fragmentation, based on the different layers of Internet infrastructure, and how these areas of fragmentation can occur: e.g. through policies implemented to protect national sovereignty, and monopolistic behaviour from Big Tech. Geopolitical tensions were also raised, particularly the ways authoritarian actors can restrict access to the Internet and specific platforms and services, and how global North countries can attempt to impose their own regulatory frameworks on global South countries, even in contexts where they are not appropriate measures.

Within the LAC context, discussions focused on **how fragmentation was manifesting at the over-the-top/application level** and the impact of this on end users, as well as the creation of 'walled gardens' through limiting opportunities for shared types of infrastructure across jurisdictions, as demonstrated through ongoing debates regarding Huawei products and the risks of espionage. This type of fragmentation is mostly driven by regulation, which can negatively impact human rights—through undermining access to information, freedom of expression, and the right to privacy. Potential economic and security impacts arising from fragmentation were also mentioned.

Panellists also identified the need to consider *who* is causing fragmentation and the potential motivations behind these actions. **Fragmentation can come from governments, particularly authoritarian states; but it can also come through technology companies attempting to maintain monopolies in certain markets**, usually in the global South, via their control over certain types of services, platforms and infrastructure (e.g. Meta and Whatsapp).

Key takeaways

Given its diverse aspects, manifestations and consequences, speakers highlighted the need to approach the idea of "fragmentation" with nuance, recognising the lack of a singular view and the idea that different communities may identify different challenges and potential benefits of fragmentation. Given the wide range of debates and discussion on this topic, any decisions at the

policy and governance level to address issues related to fragmentation require a more coherent definition and framework for Internet fragmentation overall.

Panel 2: Digital Sovereignty vs. a Globally Connected Internet

The second panel explored the idea of digital sovereignty and the tensions between ensuring this and maintaining a global, interoperable, connected Internet.

It was noted that **while openness, interoperability and global connectivity are key characteristics of the Internet, this fails to recognise the realities of the “offline” world—which is governed by physical and legal boundaries**, and has to deal with national sovereignty and different communities, cultures and experiences. In efforts to translate the rights individuals enjoy in the “offline” world to the digital realm, there can be significant barriers to navigate, including national policies and regulatory efforts which can lead to fragmentation and infringe on these fundamental rights. Other panellists noted that Internet fragmentation is less about the idea of a “splInternet”, but more about Internet governance, human rights and digital inclusion. In this way, Internet fragmentation and digital sovereignty are inextricably connected: digital sovereignty is a matter of rights and equitable governance. Once this is achieved it is possible to have a globally connected Internet, which emphasises plurality and allows space for a range of voices and perspectives in the way it is governed.

Discussions also explored how policymakers could ensure governance frameworks promoting the perspectives and rights of all stakeholders, noting that different stakeholder groups will have different roles in shaping Internet-related public policy. Speakers encouraged decision-makers in these processes to create spaces for partnerships with interested parties, particularly through consultative approaches which consider how to empower Internet users. Participants also reflected on the fact that both concepts of Internet fragmentation and digital sovereignty remain loosely defined and conceptually vague, varying across different stakeholders. As such, **it is necessary to gather all perspectives in these discussions, including from civil society and academia**, in order to be able to address fragmentary risks and balance innovation with local laws and contexts.

The Q&A session addressed the regulation of Artificial Intelligence (AI), linking it to the broader theme of Internet fragmentation. The panellists noted that **AI governance, like Internet regulation, requires multistakeholder input to avoid top-down, one-size-fits-all solutions**. AI regulations risk mirroring human rights violations if poorly implemented, especially when regimes with different democratic standards adopt similar regulatory frameworks. In regulating AI, it is crucial to consider sector-specific contexts, referencing ongoing discussions within the International Telecommunication Union (ITU).

Overall takeaways

1. **Conceptual complexity is central to understanding Internet fragmentation, and there is no consensus on its definition.**
2. **Fragmentation is a multifaceted issue that involves a range of political, technological, and geopolitical challenges. It requires a contextual understanding that takes into account both sovereign rights and the Internet's global, interoperable structure.**
3. **Digital sovereignty does not inherently oppose a connected, global Internet. Instead, sovereignty can help ensure rights protection and equitable governance for all users, especially marginalised groups.**
4. **Regulatory fragmentation is a major concern, especially when jurisdictions impose divergent laws on data, encryption, or content.**
5. **A multistakeholder approach is essential to building inclusive and effective Internet governance frameworks, involving governments, private companies, civil society, and technical communities.**
6. **Balancing AI regulation, digital sovereignty, and Internet fragmentation requires careful consideration of human rights, equity, and global cooperation.**
7. **A multistakeholder approach is vital to effectively addressing Internet fragmentation and shaping policies that balance human rights, privacy, and security.**
8. **There is a growing need to find harmonised global regulations that take into account the different challenges faced by countries in the global North and global South.**

Recommendations

All stakeholders

- Promote and improve the multistakeholder approach to addressing Internet fragmentation and shaping policies that balance human rights, privacy, and security.
- Support harmonised global regulations that take into account the different challenges faced by countries in the global North and global South.

Civil society organisations (CSOs)

- Work to sensitise policymakers and corporate actors to the impacts of policies on the Internet.
- Understand and monitor the different forms of fragmentation and the actors involved.,
- Engage in relevant discussions to promote human rights and digital inclusion.

Private sector

- Participate in discussions with other stakeholders and coordinate to protect interoperability and highlight threats to a global, connected Internet.

Technical community

- Participate in discussions with other stakeholders and coordinate to protect interoperability and highlight threats to a global, connected Internet.

Governments

- Do not implement sovereigntist policies in a way that undermines a connected, global Internet.
- Ensure rights protection and equitable governance for all users, especially marginalised groups.
- Uphold and strengthen the multistakeholder approach.