

InternetNZ

Internet Law Observatory: What and Why?

8 December 2015

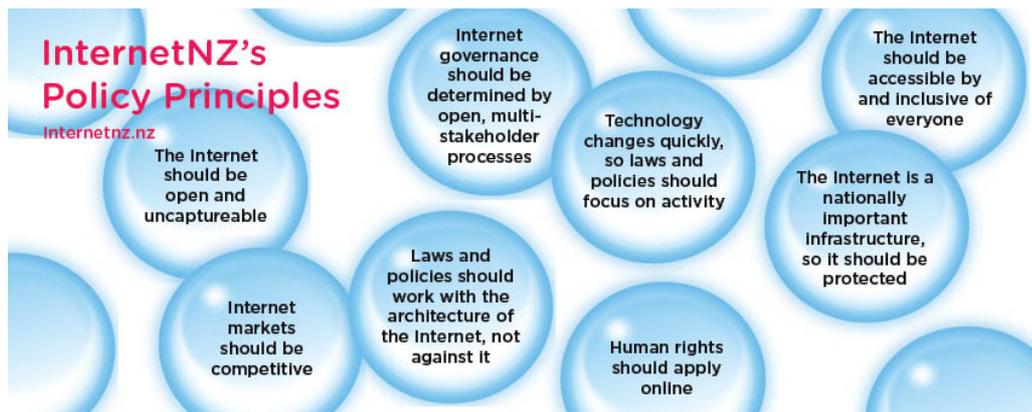
1. What is an Internet Law Observatory (ILO)?

- 1.1 Put simply, an Internet Law Observatory (ILO) informs Internet policy discussions. It gathers, analyses, and shares information to improve understanding of the Internet and related technologies. A New Zealand Internet Law Observatory (NZILO) would be a centre for world-class research and local policy thinking. It would provide focus for thinking on technology policy, and would link work in academia, the legal system, government, industry, and not-for-profits. Ultimately, it would support clearer understanding and better policy.
- 1.2 This paper builds on previous work by Chalmers and Associates, which looked at overseas ILOs. Below we set out our goals for a New Zealand ILO. We view this as a prompt to discussion - if you are interested, we would like your views in response.

2. Why is InternetNZ investigating an ILO?

- 2.1 InternetNZ stands for “a better world through a better Internet”. We apply policy principles which support this cause, advocating for openness, for enabling users, and for regulation that aligns with technology.

Our policy principles



- 2.2 Creating an NZILO supports our mission and policy principles. It offers the chance to draw together existing work and building on current trends. Already, many legal, academic, and policy thinkers are interested in issues of policy and technology. However, coordination to discuss and address these issues is limited. An NZILO could catalyse this interest in Internet policy, collecting and connecting small pieces of work into a broader whole.

A home for Internet policy research

- 2.3 Currently, deep and sustained consideration of legal and policy issues in ICT has no institutional home in New Zealand. Though InternetNZ does policy work to support our mission, we are limited in our ability to support deep and sustained research. Internet policy crosses legal, technical, social, and economic boundaries. We would like to see more platforms for engaging with these issues.
- 2.4 An NZILO would provide a home for this work, bringing into focus issues that would otherwise be missed. Its research would draw on academic work across relevant fields, as well as insights from government, business, and civil society organisations. We believe this cross-pollination of perspectives and tools would support new research and useful policy guidance, ultimately improving policy outcomes.

3. Overseas Models

3.1 Below we summarise key elements of past and present Internet Law Observatories based overseas:

<p>Internet Rights Observatory</p> <ul style="list-style-type: none">  Belgian government (now closed)  Economic problems from new information and communication technologies  Submitted opinions, organised consultations, inform public  Advisory committee represented users, ISPs, Government Ministers 	<p>l’Observatoire du Numérique</p> <ul style="list-style-type: none">  French government  Provide statistics and economic analysis  Collecting data, conducting studies, and forecasting
<p>Global Internet Policy Observatory (GIPO)</p> <ul style="list-style-type: none">  European Commission  Clearinghouse to automate data collection and sharing  Finding and linking of information, summarising and adding context 	<p>Internet Policy Observatory</p> <ul style="list-style-type: none">  University of Pennsylvania  International and domestic factors in Internet policy  Global hub to support and share research on Internet policy
<p>Internet and Jurisdiction</p> <ul style="list-style-type: none">  Diplomatic Academy, Paris  Independent not-for-profit  Coexistence of domestic regulations & international rules  Monthly and annual publications 	<ul style="list-style-type: none">  Host organisation  Funding  Scope of work  Activity  Who is involved

Source: “New Zealand Internet Law Observatory Scoping Exercise”

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¹ Chalmers and Associates, “New Zealand Internet Law Observatory Scoping Exercise”, a report commissioned by InternetNZ.

4. Overseas lessons for New Zealand

- 4.1 Having reviewed these overseas examples, we think there are three key matters to settle in establishing an NZILO: resourcing, hosting, and scope.

Resourcing: who can we work with?

- 4.2 Resources for policy research in New Zealand are limited and diffuse. Few people work full time on technology policy. On the other hand, many are interested and address aspects in their own time, or in work as professionals, academics, or policy advisors. Though InternetNZ has some capacity to fund research, we could not support an ILO alone.
- 4.3 We therefore see strong advantages in partnering with interested organisations. With critical mass behind an ILO, piecemeal and part-time efforts could be focused to do useful work.

Hosting model: what home is best for an independent ILO?

- 4.4 In assessing hosting of an ILO, our main priority is that its work be independent. We support an ILO which serves the public good, by producing useful research and informing policy. Its work should be free from capture or control by any industry, government department, or academic institution.
- 4.5 This consideration again suggests a partnership. At this stage, it would be easiest for us to work with partner organisations focused on broad outcomes, rather than a specific model or institution.
- 4.6 Of the overseas models, the most independent are hosted by universities. We would support hosting within one or more universities, ideally with strong links to non-academic stakeholders and researchers from other organisations.

Scope: data-first or policy-first?

- 4.7 Some overseas ILOs are “data-first”: their main role is to collect and share data, particularly quantitative data. Other ILOs are “policy-first”, with a main role of offering analysis and policy recommendations.
- 4.8 A policy-first ILO enables contributions from varied professional, policy, and academic communities. As New Zealand is a small place, combining the strengths of these groups may help with producing world-leading research and policy work.
- 4.9 Internet policy issues can be difficult, combining technical and legal complexity with fast-changing technologies and social practices. By gathering information from overseas, by tracking local trends, and by packaging insights in usable form, a policy-first ILO can support informed policy for the Internet.
- 4.10 Existing open-data efforts complement, but do not substitute for an NZILO. Data alone is a raw product – to be useful in making decisions, it must be interpreted and applied. A policy-first NZILO could be an interesting complement to the World Internet Project, Figure.NZ, NZRS’s broadband map, and the governments open data initiatives.
- 4.11 Overall, we favour a policy-first ILO for New Zealand, because we think:
- a) A policy-first ILO can draw on a range of perspectives and skills;
 - b) A policy-first ILO can improve policy outcomes;
 - c) A policy-first ILO complements existing efforts to make data available.

5. What next?

5.1 Based on our preliminary analysis, we support an NZILO which:



Provides legal and policy recommendations for the Internet



Is independent and avoids capture by any one group



Draws on a range of skills and perspectives

6. Interested? Join us at the Internet Research Forum!

6.1 We want to talk with others who are interested in better technology policy in New Zealand.

6.2 We would like to solicit more views on this NZILO concept. What are its merits and potential? Can we proceed to make it a success? How would we best do that?

6.3 To do this, we will host an inclusive discussion about the ILO concept at the Internet Research Forum in 2016.

Internet Research Forum 4-5 February 2016

6.4 If you are interested, we would like you to join our workshop at the Internet Research Forum in 2016:

“Building an Internet Law Observatory for New Zealand”

Thursday 4 February, 2016

2 pm – 5:30 pm

AUT City Campus, Auckland

6.5 For more information, visit our website or contact James Ting-Edwards:

<https://internetnz.nz>

james@internetnz.nz

6.6 This workshop is part of the Internet Research Forum in 2016. This event will host a range of interesting sessions:

Internet Research Forum

4-5 February 2016

AUT City Campus, Auckland

<https://internetnz.nz/new-zealand-internet-research-forum-0>

7. About InternetNZ

A better world through a better Internet

InternetNZ is a voice, a helping hand and a guide to the Internet for all New Zealanders. It provides a voice for the Internet, to the government and the public; it gives a helping hand to the Internet community; and it provides a guide to those who seek knowledge, support or any other method of benefiting the Internet and its users.

InternetNZ's vision is for a better world through a better Internet. To achieve that, we promote the Internet's benefits and uses and protect its potential. We are founded on the principle of advancing an open and uncapturable Internet.

The growing importance of the Internet in people's everyday lives means that over the last twelve months we have significantly reoriented our strategic direction. The Internet is everywhere. We are a voice for the Internet's users and its potential to make life better.

InternetNZ helps foster an Internet where New Zealanders can freely express themselves online – where they can feel secure in their use of the Internet. We foster an Internet where a start-up can use the web to develop a presence and customer base for a new product, and we foster an Internet where gamers can get online and battle it out.

We work to ensure this Internet is safe, accessible and open.

The work we do is as varied as what you can find on the Internet.

We enable partner organisations to work in line with our objects – for example, supporting Internet access for groups who may miss out. We provide community funding to promote research and the discovery of ways to improve the Internet. We inform people about the Internet and explain it, to ensure it is well understood by those making decisions that help shape it.

We provide technical knowledge that you may not find in many places, and every year we bring the Internet community together at NetHui to share wisdom, talk about ideas and have discussions on the state of the Internet.

InternetNZ is the designated manager for the .nz country code top-level domain and represents New Zealand at a global level through that role.

InternetNZ is a non-profit open membership incorporated society, overseen by a council elected by members. We have two wholly owned subsidiaries that ensure that .nz is run effectively and fairly – the Domain Name Commission (DNC) develops and enforces policies for the .nz domain name space, and .nz Registry Services (NZRS) maintains and publishes the register of .nz names and operates the Domain Name System for .nz

For more information visit: internetnz.nz/about-us/internetnz-group