Internet Governance

1. What is Internet governance?

Historically, many involved in the technical functions of the Internet—including names, numbers, the DNS root servers, and technical standards development—viewed their activities as purely technical "administration" or "management" functions. As early as 1998, however, technical Internet resources were beginning to be placed in a larger framework of "Internet governance" that included the social and economic impacts of the Internet. There remained a tension between those who believed that the technical functions of the Internet should remain separate from discussions of social and economic impacts of the Internet until the two-part World Summit on the Information Society (WSIS) held in 2003 and 2005.

2. WSIS and its Internet governance outcomes

The second phase of WSIS, held in Tunis in 2005, resulted in a document, the Tunis Agenda for the Information Society (the "Tunis Agenda"), which has had significant ramifications for Internet governance ever since. The Tunis Agenda set the framework for Internet governance over the past decade in the following three main ways:

2.1. A broad definition of Internet governance

Paragraph 34 of the Tunis Agenda defined Internet governance as the following:

> "[T[he 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."

This definition encompassed not only the economic and social aspects of the Internet, but also its technical aspects.

2.2. Internet Governance Forum (IGF)

There was intense debate during the WSIS process, with some governments such as Russia, the EU, Brazil and Iran wanting to have the outcomes of the Summit recommend that either an alternative to ICANN be put in place, or that the US government's special legal relationship with ICANN be extended to equal participation by all governments. Clearly, the US government and its allies were never going to permit either of these options. A compromise was reached: there would be a forum for all stakeholders in Internet governance to come together and discuss, but not make decisions on, Internet-related issues. The resulting IGF's lack of decision-making mandate has frustrated many of the governments that wanted to use the IGF to produce outcomes that would support moving the management of Internet technical resources out of the ICANN and IANA structure and into an intergovernmental structure. In 2011 and 2012, the U.N. Commission on Science and Technology for Development (CSTD) Working Group on IGF examined what improvements could be made to IGF. Those improvements are currently underway, with the 2014 Multistakeholder Advisory Group (MAG) additionally looking for ways to produce outcomes from IGF meetings that would help satisfy those frustrated by the "talk shop" nature of the current IGF.

2.3. Enhanced cooperation

As part of the compromise regarding ICANN and the IANA contract, the Tunis Agenda introduced the notion of "enhanced cooperation", in which all governments could "carry out their roles and

responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues". The concept of enhanced cooperation has remained contentious ever since. For some governments, "enhanced cooperation" is about all governments being on an equal footing with each other. Under this view, other stakeholder groups are not relevant and the suitable solution to enhanced cooperation is an intergovernmental body to discuss Internet-related issues. For others, "enhanced cooperation" is about governments being able to fulfill their roles as stakeholders in a broad spectrum of Internet governance discussions, such as within ICANN and within other technical Internet bodies such as the IETF and Regional Internet Registries. Under this view, there is no need for a new governments-only body to discuss Internet issues.

Within the International Telecommunications Union (ITU) space, in 2010, governments approved the creation of what is now known as the [Council Working Group on International Internet-related Public Policy Issues](). (CWG-Internet). The CWG-Internet examines a range of issues, including the internationalization of the Internet (including domain names), IP address distribution, and spam. It is also currently mapping international intergovernmental mechanisms related to Internet-related public policy issues. Only Member States may participate in or read the documents of the CWG-Internet.[1] The reports of each meeting are available more widely, but contain very little useful information describing the CWG's activities. The closed nature of CWG-Internet may be revisited at the upcoming [ITU Plenipotentiary Conference]() at the end of 2014.

The 2012 [UN General Assembly]() (UNGA) [ICT resolution]() resulted in the 2013 establishment of the [Working Group on Enhanced Cooperation]() (WGEC) by the [Commission on Science and Technology for Development]() (CSTD). In contrast to the ITU's CWG-Internet, the WGEC is [multistakeholder in composition]() and has gradually made each of its meetings more open than the last. Unlike the CWG-Internet, however, the WGEC has a limited lifespan and is due to report on its recommendations on how to fully implement enhanced cooperation in time for the CSTD's [17th Session]() in May 2014.

3. Tenth anniversary of WSIS (WSIS+10) in 2015

3.1. Intergovernmental processes
With the tenth anniversary of the Tunis Agenda approaching, there has been increased focus on how well WSIS goals have been achieved and what goals should be created for the next 10 years. Internet governance has been very prominent in these discussions. The significant divisions that emerged at the ITU [World Conference on International Telecommunications]() (WCIT) in late 2012 were in a large part the result of some Member States wishing to use the conference to produce resolutions that would increase ITU's role in Internet-related issues, including names and numbers. A multistakeholder [WSIS+10 Review Meeting]() hosted by UNESCO in 2013 produced [Information and Knowledge For All](), which supported inclusive, multistakeholder processes at the regional and international levels, renewed commitment to the IGF and encouraged participants to contribute to the CSTD WGEC. The ITU will host a [WSIS+10 High Level Event]() in May 2014. The key texts of the ITU-hosted event are currently being produced via a multistakeholder process, known as the [Multistakeholder Preparatory Platform]() (MPP). However, there have been significant

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[1] Some Member States, including the USA, Bulgaria and Australia, include non-government representatives on their delegations at CWG-Internet meetings.

clashes in the MPP meetings between those who want to use the outcome texts to further their goal of creating an intergovernmental alternative to ICANN and those who are pushing for more multistakeholder principles to guide the next 10 years of the WSIS process.

In 2015, the UN will host a final WSIS+10 review. Exactly how this review will take place is currently unclear. Russia has proposed repeating the full WSIS process, including a resource-heavy preparatory process, with the final Summit to be held in Sochi, Russia. This proposal has met with stiff opposition by many other governments who support the current multistakeholder model, partly because it would be very expensive but primarily because, while the Tunis Agenda is not perfect, reopening its text for consideration at another full-scale Summit could result in text that further compromises the roles of non-government stakeholders in Internet governance and could recommend changes to the existing ecosystem of multistakeholder Internet governance organizations, forums, and processes. The UNGA is currently reaching the end of an informal consultation process to find a compromise solution to the final review event. A decision on the final review format is expected by April 2014.

3.2 Wider multistakeholder community efforts in Internet governance

The October 2013 [Montevideo Statement on the Future of Internet Cooperation](#) by the leaders of the I-Star organizations—ICANN, ISOC, IETF, IAB, the RIRs and W3C—was a clear attempt to reframe perceptions of the Internet technical organizations as responsive to changes in the Internet governance world. It referred to Internet users' trust and confidence in the Internet being changed since Edwin Snowden's revelations about widespread online surveillance, the need to speed up the globalization of ICANN and the IANA function and to make the transition to IPv6 a priority and to "catalyze community-wide efforts towards the evolution of global multistakeholder Internet cooperation". An outcome of the Montevideo statement was the creation of what is now called [1net](#), "an open, global onlineforum about Internet governance". The 1net has a steering committee consisting of representatives from business, civil society, academia and the technical community but to date, 1net has failed to grow into anything more than a mailing list where a few vocal parties dominate the dicussion and have effectviely pushed many to stop following While there are government representatives on the 1net mailing list, they are not actively participating in the discussion.[2]

Immediately after the Montevideo Statement was completed, ICANN CEO Fadi Chehadé traveled to Brazil to meet with the Brazilian Communication Minister in an attempt to bring Brazil back into the fold after a very pointed UN speech where Brazilian President Dilma Rouseff called for a multilateral (read government led) approach to Internet governance. Chehadé was also granted a meeting with President Rouseff during his trip and shortly afterward Brazil and ICANN announced it would host a Global Multistakeholder Meeting on Internet Governance, now also known as [NETmundial](#), in April 2014. NETmundial will "[craft] Internet governance principles and propos[e] a roadmap for the further evolution of the Internet governance ecosystem". Note, however, that there are only 8.5 hours of plenary sessions available over the two-day meeting. Given other groups such as the WSIS+10 MPP and CSTD WGEC had multiple meetings and still not reached consensus on their texts, it is unlikely that the outcomes of NETmundial will be substantial. The outputs may, however, mark the beginning of an ongoing series of NETmundial meeting and will form inputs into the other WSIS-related discussions on Internet governance. Four committees are [organizing](#)

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[2] Participating in "real time" email or online forums is difficult for government representatives to do, as they usually need to seek formal approval from the government on any positions they publicly make.

NETmundial: two are multistakeholder, one is intergovernmental and one is a Brazilian logistical committee. Contributions to the process of creating output documents are available here. The 1net effort is intended to be a key partner in the NETmundial meeting but its role, responsibility and impact is still to be determined.

Other community efforts include the Panel on Global Internet Cooperation and Governance Mechanisms and the ICANN Cross-Constituency Working Group (CCWG) on Internet Governance. The Panel on Global Internet Cooperation and Governance Mechanisms (previously the ICANN Fifth Strategy Panel on the Future of Internet Governance) is another attempt in 2013 by the Internet community to address unhappiness by some stakeholders in Internet governance. The panel's report will form an input to NETmundial; however, the panel envisages a life for its report beyond the NETmundial meeting in April. Prompted by the creation of 1net and the announcement of the NETmundial meeting, the ICANN community created a Cross-Constituency Working Group (CCWG) on Internet Governance. The CCWG's mailing list archives are publicly available. The CCWG will meet face-to-face and hold a public meeting during the March 2014 ICANN meeting in Singapore. The meeting is currently scheduled against the session on gTLD name collisions, potentially preventing many TLD operators from participating.

4. Why does participation in Internet governance discussions matter?

4.1 Changes to a more intergovernmental environment can change the Internet environment
A move toward a more intergovernmental framework for Internet governance may affect those who manage parts of its infrastructure or use it on a daily basis for business. For example, there were proposals at the ITU WCIT in 2012 to replicate the international charging system of telephony in the world of Internet routing. If such a proposal were ever to pass, it would fundamentally change current international peering agreements and dramatically affect content providers whose content was popular over international routes. Another example relates to content blocking. Countries such as Iran are very concerned about their citizens accessing "harmful content" online. With the introduction of many subject-specific new gTLDs, it is possible that there could be multilateral agreements to block "harmful" content at the level of the TLD.

4.2 Good decisions can only be made if all stakeholders communicate their specialist knowledge and needs
More positively, participating in Internet governance discussions shapes the way the Internet can continue developing during the next 10 years of the WSIS process. As the WSIS+10 process review culminates in 2015, it is important to contribute to the discussions on the vast range of issues, including legal frameworks, that can stimulate or stifle Internet-based developments. Each stakeholder group has its own area of expertise to bring to the discussions. If any one stakeholder group does not bring its full range of perspectives and needs to the table, other stakeholder groups will not be able to take those missing views and needs into account when embarking on policy or other decision-making processes.

4.3 To encourage a broader debate, it is important for stakeholders to understand and respond to criticism, where possible
The US government's legal relationship with ICANN and IANA, Snowden revelations about online surveillance, and resentment from many developing country stakeholders about the prominence of US-based businesses in Internet-related commercial activity mean that businesses will find it advantageous, long term, to understand the concerns and positions of stakeholders. For example, ICANN is an

organization that, in response to widespread criticism, has embarked on a process aimed at internationalizing its structure and activities. Large businesses such as Google have responded to criticism about unequal traffic flows between its US-based YouTube servers and developing countries by installing YouTube mirror servers at Internet Exchange Points in developing countries.

5. Internet Governance and the DNA

5.1 Changing environment
The DNA recognizes the coming changes in the Internet Governance landscape. As such, the role played by the domain name industry must adjust accordingly.

Up until recently, ICANN's strategy was to participate in Internet Governance discussions while working to ensure those discussions did not lead to changes in governance principles or the multi-stakeholder model. The groundwork laid in the WSIS in 2003 and the ensuing 10-year IGF discussions were the successful realization of that strategy. Those with an interest in sustaining the multistakeholder model performed admirably in defending the model.

Now the stated purpose of that ongoing discussion is in a state of flux. While we hope and believe the Brazil meeting, aka NETmundial, will have no specific outcomes affecting the current model, the call for the meeting and the act of conducting it has reenergized otherwise occupied governments and they have now refocused on the Internet Governance debate.

5.2 IANA
The debate has intensified regarding the home and oversight of the IANA function. IANA primarily serves the name and number registries. While some disparage the US government's unique role in the root zone management process or the combination of policy development and root zone management under the one ICANN umbrella, no one denies that the IANA function has performed flawlessly over the past 5+ years. Whatever replaces the current scheme, that mechanism must perform at the same or a better level. The involvement of IANA's key customers is vital in that discussion. Government and other entities cannot be given veto power over root zone requests of independent TLDs.

5.3 Multi-stakeholderism
Governments are increasing their control over Internet traffic. Even though participation in ICANN's Governmental Advisory Committee is open to all governements, and over 130 countries do participate, many governments are seeking a stronger role in DNS policy making, including roles outside of ICANN. Governments, civil society and academics from around the globe are proposing new mechanisms and organizations to determine how Internet policy should be governed and not all embrace the multistakholder approach from which we as an industry have benefitted. There are concerted efforts by some to ensure these new mechanisms exlude stakeholders such as the Domain Name Industry whose businesses were launched and built upon the multistakeholder approach. Beyond participation we see a real danger in creating new mechanisms when the problem to be solved has not been well defined.

5.4 DNA Pariciption
The DNA will seek an active role in the upcoming discussion for two reasons. First, we seek to protect our interests: to operate businesses within the Domain Name Industry freely, to avoid the construction of barriers to operation in different jurisdictions, and to have a voice when the conversation becomes critical.

Second, we seek to participate as a service, because we think an informed discussion requires the participation of those who operate the critical DNS infrastructure. If new governance models are to be discussed, those discussions should include the parties that will be charged with much of the implementation of new protocols, standards and rules.

Participation cannot be partial as that would just be wasted effort. Therefore, the DNA will work with stakeholder groups and participants in different fora to become a well-recognized and well regrarded participant in the discussion. That does not necessarlity equate to large expenditures of resources. The mission of the DNA will remain focused on the promotion of domain names and solving problems that will faciltiate their uptake. However, we will participate in Internet discussions when asked, seek to partipate when excluded, and leverage the work and contacts of our members where feasible in order to protect our interests.

The DNA has started in this effort. Our submission to NETMundial and participation in the Brazil meeting, will emphasize our support for the preservation of multistakeholder model, the importance of Domain Name Industry participation to the Internet using community, and the benefit of a light-hand on the tiller of Internet Governance discussions.