Internet Governance

What is it about and what is at stake?

APIGA
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Content:

- Background and context
- The history of the debate
- IANA and the IANA transition
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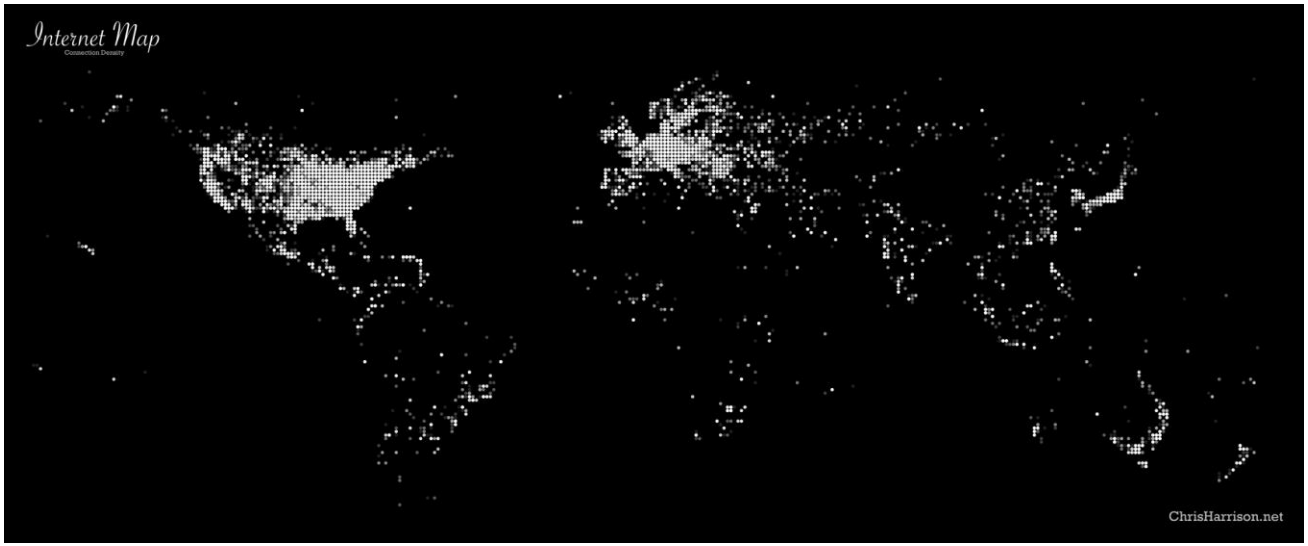
Internet Governance - a long history



- Past 30 years the Internet has transformed from being mainly for academic and scientific communities to containing immense social and economic impacts on society
- Governments now consider it to be a significant part of their infrastructure

The Internet as a bone of contention

- The World Summit on the Information Society (WSIS) put a new issue on the agenda of international cooperation: the Internet.
- Recognition of the importance of the Internet as backbone of globalization.
- Clash between the private sector / Internet community and governments.
- Two visions of the world:
  - Bottom-up distributed cooperation vs.
  - Classical intergovernmental cooperation.

The Internet and Internet Governance

The Internet is:

- Built on basic libertarian and democratic axioms
- Deployed outside sphere of government influence
- Its distributed governance model is adapted to the distributed underlying technology
- Based on voluntary collaboration
- With bottom-up decision-making processes

An inherent tension

- The Internet as a borderless technology clashes with the international order, based on the Westphalian model and the UN Charter.
- Some countries are comfortable with the Internet model…
- …others are not and would like the Internet to respect national sovereignty.

The 90s

- Internet Governance was confined to a circle of insiders
- Two opposed approaches:
  - One approach hands-off and bottom-up:
    - let the technology develop and let technologists get on with their job
  - One approach hands-on and top down
    - bringing the Internet under intergovernmental control, preferably under a UN umbrella (like trade, health, climate change, development, disarmament, human rights etc).

The hands-off approach

1998 key year:

- US under Clinton Administration sets up the Internet Corporation of Assigned Names and Numbers (ICANN).
- Organization of Economic Cooperation and Development (OECD) at the Ottawa Ministerial decides there is no need for regulating e-commerce
- World Trade Organization (WTO) Ministerial Meeting in Geneva decides not to impose customs duties on “electronic transmissions”.

The top-down approach

Also in 1998:

- Plenipotentiary Meeting of the International Telecommunication Union (ITU) in Minneapolis agrees to hold World Summit of Information Society (WSIS).
- In line with other UN Summits of the 90 on major issues, from environment to population.
- WSIS to be held in two phases:
  - 2003 in Geneva
  - 2005 in Tunis.

Some key concepts

- Multilateral vs Multistakeholder
- Classical consensus vs. rough consensus
- The Internet model of informal collaboration vs. classical intergovernmental cooperation

Multilateral vs. Multistakeholder

- WSIS I: “The international management of the Internet should be multilateral, transparent and democratic with the full involvement of governments, the private sector, civil society and international organizations.” (Para 48)
- Irreconcilable concepts and different interpretations of the term multilateral:
  - Classical interpretation= intergovernmental
  - Innovative interpretation = multistakeholder

Consensus vs. rough consensus

- IGOs work on the basis of consensus – full agreement by all countries.
- IETF: “Rough consensus and running code”.
- “IETF consensus does not require that all participants agree, although this is, of course, preferred. In general, the dominant view of the working group shall prevail. Consensus can be determined by a show of hands, humming, or any other means on which the WG agrees (by rough consensus, of course). Note that 51% of the working group does not qualify as ‘rough consensus’ and 99% is better than rough. “

The Elephant in the Room

- The predominant role of one government: the US
- IANA, ICANN and the role of the US
- IANA: The Internet Authority of Assigned Names and Numbers – the core of the Internet!
- ICANN administers IANA on contract on behalf of the US Government

The IANA contract

- Contract between the US Dept of Commerce and ICANN.
- Role of Dept of Commerce: ensuring that due process is respected.
- Stewardship over key Internet resources.

The IANA functions

Three main functions:

- Protocol parameters - IETF
- Internet Protocol (IP) Addresses - RIRs
- Internet Domain names - ICANN

WSIS Phase I

- Goal of WSIS: for Governments to come together to find global solutions for a major challenge
- WSIS: apply traditional governance model for ICTs driven by the Internet
- Geneva Declaration created terms ‘Internet governance’ and notion of multistakeholder governance
- Formation of Working Group on Internet Governance (WGIG)

WSIS Phase II

- Held in Tunis in 2005
- Influenced by WGIG methodology – more open and inclusive
- Governments by and large endorsed WGIG report
- Recognized that “existing arrangements for Internet governance have worked effectively”
- Agreed to convene a new Forum for multistakeholder policy dialogue” – the Internet Governance Forum (IGF)
- Identified need for “enhanced cooperation”

Working Definition of Internet Governance

"A working definition of internet governance is 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."

WGIG Report/Tunis Agenda, para. 34

What does it mean?

- More than naming (DNS) and addressing (allocation of IP addresses).
- Public policy issues related to the physical and logical infrastructure of the Internet.
- Public policy issues related to the use (and abuse) of the Internet.
- Based on multi-stakeholder cooperation.

Rationale for a new Forum

“The WGIG identified a vacuum within the context of existing structures, since there is no global multi-stakeholder forum to address Internet-related public policy issues. It came to the conclusion that there would be merit in creating such a space for dialogue among all stakeholders. This space could address these issues, as well as emerging issues, that are cross-cutting and multidimensional and that either affect more than one institution, are not dealt with by any institution or are not addressed in a coordinated manner. “

WGIG Report Para 40:

The IGF as a bridge between two worlds

In Tunis, Heads of State and government felt there was a need to continue the dialogue on internet governance in a new setting.

They created a dialogue between two worlds:

- The world of the Internet community (technical community, business, civil society)
- The world of governments.

IGF: Not a traditional UN process

- The IGF serves to bring people together from various stakeholder groups as equals, but not to make decisions or negotiate
- IGF may not have decision-making abilities, it informs and inspires those who do have the capacity to make decisions.
- Dialogue has evolved and matured from Athens to Joao Pessoa.
- IGF has created trust among participants and created a sense of community.

A synthesis between UN and multistakeholder processes

The IGF can be seen as a synthesis between the top-down and hands-off approaches.

It has the legitimacy of a UN process – it is a platform convened by the Secretary-General of the UN.

It has the credibility of a multistakeholder process – the participation of all stakeholders contributes to the relevance of the discussions: experts on technical, societal, political, economic aspects of Internet governance participate as equals.

The IGF mandate

Paragraph 72 of the Tunis Agenda:

Key sub-paragraph:

"Discuss public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet."

=> A platform for dialogue, NOT a decision making organisation!

What is the IGF about?

- IGF provides a space for a structured policy dialogue on Internet related public policy issues.
- IGF provides a platform for sharing best practices at national and regional levels.
- IGF provides a neutral meeting place for all relevant institutions – IGOs and 'Internet institutions'.
- IGF helps build trust and confidence among all Internet users

Role of the IGF

- The IGF has no deision-making power, but…
- The IGF can:
  - Shape the decisions of who have the power to change the Internet.

The Internet Governance Forum as an experiment

- Based on the convening power of the UN.
- ‘Soft governance` approach.
- IGF has no decision-making power, no power of redistribution.
- IGF has the power of recognition:
  - can identify issues of concern;
  - can draw attention to an issue;
  - can put an issue on the agenda of international cooperation.
- Can shape public opinion and decision making.

Strengths and weaknesses

Different views on strengths and weaknesses:

- Some see lack of decision-making power as a weakness:
  - They want the IGF to produce concrete results and ‘tangible outputs’.
- Others see it as a strength:
  - The lack of decision-making power creates a space for open dialogue.

IGF evolution since 2010

- The IGF has evolved and matured - there is now an IGF community.
- Participants are more comfortable to address delicate issues (eg. surveillance in 2013).
- Spread of National/Regional IGFs.
- Intersessional activities:
  - Best Practice Forums
  - Thematic stream
  - Dynamic Coalitions

A multidimensional debate

The IGF has shown that there are several dimensions to the debate:

1. Polity –- Government-led top down approach vs. multistakeholder bottom-up collaboration
2. Geopolitical – role of one dominant super power
3. Developmental – digital divide
4. Economic –perceived loss of telco revenues and dominance of big multinational players
5. Technological – circuit switching vs. packet switching
6. Cultural – dominance of one language and culture vs. cultural and linguistic diversity.

Growing Discontent

- Inconclusive Internet governance debate since 2005
- Governments see limitations in existing multistakeholder processes
- Some governments want to have more control and respect of national sovereignty (and borders)

Snowdon - a tectonic shift in the Internet governance landscape

- Disclosures of massive government surveillance in 2013 caused a tectonic shift in the debate.
- Loss of trust in the current Internet model.
- Scale of surveillance activities was a surprise to most.
- Seen as an attack on the Internet itself.

IANA Transition

- March 2014: US announces readiness to transition its role to the community.
- Limited role of US government - “stewardship” of key resources
- (Stewardship= a light hand on the tiller, not control!)
- Mainly checking that dues process was respected when making changes to the authoritative root zone file.

End of US oversight

- Question: how to replace US Government?
- Limited role, BUT...
- ...US has a big stick!
- How to create a big stick?

IANA transition: an unprecedented multistakeholder effort!

- Transition plans for all components of IANA
- Protocol – Internet Engineering Task Force (IETF)
- Numbers – Regional Internet Registries (RIRs)
- Names - ICANN

In addition: ICANN accountability

New IGF mandate 2015-2025

- UN General Assembly in 2015 renewed IGF mandate for another 10 years.
- Positive development: more room to develop multi-year work programme and secure funding.
- General trends:
  - More intersessional activities and multi-year work programme.
  - Closer linkages to NRIs and other relevant organisations.
  - Alignment with SDGs

Importance of IANA transition

- Extension of IGF mandate: a positive signal..
- But: not everybody happy!
- Undercurrent: “enhanced cooperation”.
  - Strengthening existing institutions?
  - Building new institutions?
  - Giving authority to the UN?
- IANA transition is key:
  - Failure to deliver would undermine credibility of multistakeholder model.

Outlook

- Ultimately, discussions about the future of the IGF are part of the debate of what kind of Internet we want.
- Do we want an Internet that is:

  Open, global and interoperable?

  - Based on innovation without permission?
- Do we accept the risks that come with an open Internet?
- Or do we want an Internet that is above all secure and respects national boarders?