# ICANN vs UN/ITU – Who should govern the Internet?

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## Internetdagarna, October 24, 2005

# Purpose of WSIS
## Approved in a UN General Assembly Resolution (56/183) (December 20, 2001)

*"Recognizing* the urgent need to harness the potential of knowledge and technology for promoting the goals of the United Nations Millennium Declaration and to find effective and innovative ways to put this potential at the service of development for all"

# Outputs/Results

**Phase 1, December 2003, Geneva**

- **Declaration of Principles**

- **Plan of Action**

- **Requested that UN Secretary General establish two groups**
  - **Task Force on Financial Mechanisms**
  - **Working Group on Internet Governance (WGIG)**

# Expected Outputs/Results

**Phase 2, November 2005, Tunis**

  – **Political Chapeau**

  – **Operational Plan**

  – **Outstanding Issues on Internet Governance**

  • **Resolution on Internet governance**

  • **WSIS Follow-up**

# WGIG to "investigate and make proposals for action on the following Internet governance of the Internet by 2005:

- Develop a working definition of Internet governance
- Identify the public policy issues that are relevant to Internet governance
- Develop a common understanding of the respective roles and responsibilities of Governments, existing international organizations and other forums, as well as the private sector and civil society in both developing and developed countries

# WSIS/Internet Governance

- **ICANN operates under an MoU with the US Department of Commerce**

- **ICANN Board is made up of representatives from industry players; governments participate through the Governmental Advisory Group (GAC)**

- **DoC reviews ICANN Board decisions, but no one has made any specific accusation that DoC has ever altered any ICANN Board decision or its implementation**

- **Perception of some countries that Internet resources that they depend upon are subject to unilateral US government action**

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# WSIS/Internet Governance

- **Developing countries are expressing lack of capacity to participate in present system**

- **Some countries have been proposing within the WSIS processes that "Internet Governance" should be addressed in (an) intergovernmental group(s), e.g. the ITU, UNESCO or a new forum**

- **US Principles on Internet Domain Names and Addressing System issued June 30**

- **Working Group on Internet Governance Report issued July 18, 2005**

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# US Principles on Internet Domain Names and Addressing

**June 30, 2005**

- The United States Government intends to preserve the <u>security and stability</u> of the Internet's Domain Name and Addressing System (DNS).

- <u>Governments have legitimate interest in</u> the management of their country code top level domains (ccTLD).

- <u>ICANN is the appropriate technical manager</u> of the Internet DNS. The United States continues to support the ongoing work of ICANN as the technical manager of the DNS and related technical operations and recognizes the progress it has made to date. The <u>United States will continue to provide oversight</u> so that ICANN maintains its focus and meets its core technical mission.

- <u>Dialogue</u> related to Internet governance <u>should continue in relevant multiple fora</u>. Given the breadth of topics potentially encompassed under the rubric of Internet governance there is no one venue to appropriately address the subject in its entirety.

# Report of the Working Group on Internet Government

- **Recommends a multistakeholder forum function to discuss Internet Governance issues**

- **Identifies four possible options for Internet Governance structure**

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# WGIG-report options for Internet Governance structure

1. *Global Internet Council (GIC),* consisting of members from Governments would
   - take over the functions relating to international Internet governance currently performed by the Department of Commerce of the United States Government.
   - replace the ICANN Governmental Advisory Committee (GAC)

2. *No specific oversight organization,* the role of ICANN's Governmental Advisory Committee (GAC) may need to be enhanced in order to meet the concerns of some Governments on specific issues.
   - A discussion forum, with full participation of all stakeholders would be established.

# WGIG-report 0ptions for Internet Governance structure (2)

3. An *International Internet Council (IIC)* would address policy issues involving national interests, especially in relation to ICANN/IANA competencies.

   - Might include international public policy issues relating to Internet resource management and international public policy issues that do not fall within the scope of other existing intergovernmental organizations.

   - For those issues, the governmental component of the IIC will take a leading role, with the private sector and civil society providing advice.

# WGIG-report 0ptions for Internet Governance structure (3)

4. Three functions and three new forums:

- *The Global Internet Policy Council (GIPC)* - "Responsible for international Internet-related public policy issues", and contribute public policy perspectives to Internet-related technical standard-setting. Government led.

- *World Internet Corporation for Assigned Names and Numbers (WICANN) - R*esponsible for the "development of the Internet in both technical and economic fields" (a role similar to that performed by ICANN). Private-sector-led body made up of a reformed internationalized ICANN linked to the United Nations (with multilateral government oversight).

- *The Global Internet Governance Forum (GIGF)* - Responsible for "facilitating coordination (and discussion) of Internet-related public policy issues". All stakeholders participate on an equal basis.

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# Transport, Telecommunications and Energy Council, Luxembourg, 27 and 28 June 2005

**Main issues of internationalization of Internet Governance (management of the Internet's core resources):**

- the domain name system
- IP addresses
- the root server system

# Transport, Telecommunications and Energy Council, Luxembourg, 27 and 28 June 2005

**Existing Internet Governance mechanisms**

- should be founded on a more solid democratic, transparent and <u>multilateral</u> basis, with a stronger emphasis on the <u>public policy interest of all governments</u>.

- respective <u>roles</u> of the international and intergovernmental organisations within the field of Internet Governance should be <u>clarified</u>.

- the Council <u>recognises the contribution</u> made by international and intergovernmental organisations and <u>encourages cooperation</u> in this field.

# Transport, Telecommunications and Energy Council, Luxembourg, 27 and 28 June 2005

**New cooperation model…**

- in order to <u>concretise</u> the provisions in the <u>WSIS Declaration of Principles</u> regarding the crucial role of all actors within Internet Governance, including governments, the private sector, civil society and international organisations.

# Transport, Telecommunications and Energy Council, Luxembourg, 27 and 28 June 2005

**…should…**

- be based on the current bottom-up public-private partnership

- provide a platform for policy dialogue in the interest of all governments in a light, fast-reacting and flexible approach

- not replace existing mechanisms or institutions,

- build on the existing structures of IG, with special emphasis on complementarity between all the actors involved in this process, including governments, the private sector, civil society and international organisations;

# Transport, Telecommunications and Energy Council, Luxembourg, 27 and 28 June 2005

**…should…**

- contribute to the sustainable stability and robustness of the Internet by addressing appropriately public policy issues related to key elements of IG.

- be focused on principle issues of public policy, excluding any involvement in the day-to-day operations.

# Transport, Telecommunications and Energy Council, Luxembourg, 27 and 28 June 2005

**…because…**

- Governments have a specific mission and responsibility vis-a-vis their citizens!!

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# EU/UK PROPOSAL at PrepCom3

- **62. ...institutional arrangements for Internet Governance and policy debate... adjustments need to be made:**

# EU/UK PROPOSAL at PrepCom3

## 63. Principles

The new model for international cooperation should adhere, besides the Geneva principles, to:

- <u>should not replace existing mechanisms or institutions,</u> but build on the existing structures of Internet Governance, special emphasis on the complementarity between all the actors involved in this process, including governments, the private sector, civil society and international organisations each of them in its field of competence;

- should contribute to the sustainable stability and robustness of the Internet by addressing appropriately public policy issues related to key elements of Internet Governance;

- the role of governments should be mainly focused on principle issues of public policy, excluding any involvement in the day-to-day operations;

- respecting the architectural principles of the Internet, including the interoperability, openness and the end-to-end principle.

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# EU/UK PROPOSAL at PrepCom3

## 64. Essential tasks

The new cooperation model should include the <u>development and application of globally applicable public policy principles</u> and provide an <u>international government involvement at the level of principles</u> over the following naming, numbering and addressing-related matters:

a. Provision for a global allocation system of IP number blocks, which is equitable and efficient;

b. Procedures for changing the root zone file, specifically for the insertion of new top level domains in the root system and changes of ccTLD managers;

c. Establishment of contingency plans to ensure the continuity of crucial DNS functions;

d. Establishment of an arbitration and dispute resolution mechanism based on international law in case of disputes;

e. Rules applicable to DNS system.

# EU/UK PROPOSAL at PrepCom3

## 65. Forum function

**In order to strengthen the global multi-stakeholder cooperation within Internet Governance, we decide to create a Forum. The task of this Forum is to address multidimensional and interrelated public policy issues, through the exchange and sharing of information and good practices. It shall work on the basis of a clear mandate for a predefined period. It should work with existing institutions or organizations and not try to dominate issues already dealt with elsewhere. It should <u>not perform oversight tasks</u>.**

# EU/UK PROPOSAL at PrepCom3

**66. Transition to this new model of international cooperation**

In order to implement par. 62 to 65, two separate processes will be launched, firstly

- Creation of the new Forum; and secondly

- Transition to this new model of international cooperation.

# Swedish Approach

## EU TTE Council

– **Governments have a specific mission and responsibility vis-a-vis their citizens!!**

- If Internet goes down, can governments tell people depending on it that "we never interfered since they seemed to do such a good job"?

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# Swedish Approach

**EU/UK PROPOSAL at PrepCom3**

– **...institutional arrangements for Internet Governance and policy debate... adjustments need to be made...**

- What adjustments are better than Status Quo? Not many of the proposed...

# Swedish approach

- **Present PPP works well for the Internet!**
    **BUT**
- **Developing countries participation capacity problems needs to be overcome**
- **Perception of political dependability on US needs to be overcome**
- **Internationalization of Internet Governance can be developed within present system**

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# Swedish approach

- **Internationalisation doesn't necessarily mean transfer of current powers from US to other governments; some options are;**
  - Gradually increased independence of ICANN (coupled with enhanced GAC function)
  - Independent auditing of current practices (auditor assigned multilaterally)
  - Others…?

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# Swedish Approach

- – **Stability, continuity, robustness, security**
- – **Build on the existing arrangements**
- – **Technology driven**
- – **Innovation driven**
- – **Market driven**

# Swedish Approach

– **A negotiation is a negotiation is a negotiation...**

**… and governments have responsibilities that other stakeholders do not have!**