

Internet Governance: A summer 2009 update

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Internet Governance became one of the most controversial issues during the UN World Summit on the Information Society (WSIS) between 2002 and 2005. Based on recommendations of the UN Working Group on Internet Governance (WGIG) the 2005 WSIS Summit adopted the **“Tunis Agenda on the Information Society”** which includes a policy framework for Internet Governance, established the UN Internet Governance Forum (IGF), launched a process of “enhanced cooperation” among various governmental and non-governmental stakeholders involved in the governance of the Internet and recognized indirectly ICANN as the organization to coordinate the management of “Critical Internet Resources” (CIR) like root server, domain names and IP addresses. The adopted public policy principles for Internet Governance included multistakeholderism, stability and security, sovereignty over national domain name space, multilingualism and equal rights for all governments in drafting public policies for the security, stability and continuity of the Internet.

Since the last IAMCR Conference in July 2008, there have been a number of important developments:

1. The 3rd UN **Internet Governance Forum (IGF)** took place in Hyderabad, India in December 2008. About 1500 high level experts from governments, private sector, civil society as well as the technical and academic communities participated in the event. A broad range of Internet Governance public policies were discussed from access to diversity, from security to privacy, from freedom of expression to intellectual property rights, from domain names and IP addresses to the forthcoming Internet of Things. The majority of the participants acknowledged a growing maturity of the IGF and expressed their interest that the IGF should continue in the future. However, in May 2009 in Geneva during the regular preparatory meeting for the next IGF the Chinese government objected to a continuation of the IGF beyond 2010. It proposed to substitute the IGF with an intergovernmental negotiations process. A similar proposal was made by the Russian government during the UN General Assembly in December 2008 where the project of an UN Treaty for Internet Security was promoted. Such a proposal was made by the Russians also to the US government during the recent meeting among President Medvedev and President Obama in Moscow, June 2009. The 4th IGF (November 2009 in Sharm el Sheikh/Egypt) will include a comprehensive evaluation of the IGF. The UN Commission on Science and Technology Development (UNCSTD) will discuss in 2010 the results of this evaluation. The UNCSTD will send a resolution to the ECOSOC. Based on the UNCSTD resolution, ECOSOC will send a recommendation to the UN General Assembly and to the UN Secretary General. According to the Tunis Agenda, it is the UN Secretary General who has to make a final decision by the end of 2010. The 5th IGF is scheduled for November 2010 in Vilnius, Lithuania.
2. ICANN has further improved its internal transparency and accountability mechanisms and bottom-up policy development processes. However, the open question remains whether the US Government will terminate the so-called **“Joint Project Agreement” (JPA)** which links ICANN to the US Department of Commerce. The JPA expires on September 30, 2009. During a recent hearing in the US Congress (May 2009), several US based private sector representatives expressed their wish to continue with US oversight over ICANN. However, the “Notice of Inquiry” (NOI) which was published in April 2009 by the National Telecommunication and Information Administration (NTIA) of the US Department of Commerce, produced numerous statements by other stakeholders who preferred a full termination of the JPA.

3. In the meantime the **ICANN** Board elected a new CEO during its recent 35th meeting in Sydney, June 2009. Ron Beckstrom, who served under the Bush administration in the Department for Homeland Security, was elected to substitute Paul Twomey as ICANN's CEO. Furthermore, ICANN has reached some progress in implementation of its policy for the introduction of new generic Top Level Domains (gTLD). It is expected that the first call for new gTLDs will be published early 2010. Remaining issues are certain public policy implications, including names of cities and regions in gTLDs, trademark protection in gTLDs, dispute resolution mechanisms (in particular for gTLDs which touch public order or morality aspects), iDNs in gTLDs (and here the number of needed characters in a iDN gTLD) and costs for application and delegation. There is also the hope that ICANN will allow the first so-called internationalized Top Level Domains for country code Registries (Fast Track iDN ccTLDs). In this context it is in particular the Chinese, the Russia and the Arab Internet communities which are calling for a fast implementation of the relevant policies. Controversial issues here are, inter alia, the legal basis for the delegation of an iDN ccTLD and the distribution of the costs for such a delegation between ICANN and the iDN ccTLD Registry. A special conflict is the qualification of the traditional Chinese and the modernized Chinese language as two different scripts or two variants of the same script (which will have consequences for delegation procedures, sovereignty over language and what kind of TLD Root Zone File will be in the Hidden Server of the Root). It is expected that a decision will be made during the forthcoming 36th ICANN meeting (October 2009 in Seoul).
4. A big step forward in the involvement of Internet users in ICANN's policy development process (PDP) was the 1st **At Large Summit (ATLAS)** of Internet users, which was organized in combination with ICANN's 34th meeting in Mexico City, March 2009. More than 100 recognized At Large Structures (ALS), representing millions of individual Internet users around the globe, participated in this 1st World Summit of Internet users. The ATALS Declaration, which included about 50 recommendations, was handed over officially to the ICANN Board. Among the recommendations is also the proposal to give the At Large Constituency within ICANN two voting seats on the ICANN Board of Directors. In the original ICANN Bylaws (1998) the Internet users should have got nine voting seats. This was reduced after the first global ICANN election (2000) to five voting seats and after the ICANN reform in 2002 to one non-voting liaison.
5. The **ITU** continues to discuss elements of the management of Critical Internet Resources (CIR) like IPv6 addresses, iDNs and ccTLDs. ITU Secretary General Hamadou Toure addressed for the first time an ICANN meeting in Cairo, November 2008. He used this opportunity to criticise ICANN's Governmental Advisory Committee (GAC) as a body without power. He advertised the ITU as the real decision-making body where governments can execute their sovereign rights. He also qualified the IGF as a "waste of time" because the IGF has no decision-making capacity. Furthermore he called the principle of multistakeholderism as too vague to be a concrete guideline for policy development in the field of the Internet which should be done primarily by governments, with private sector members (as long as they pay membership fees to the ITU) in an advisory capacity. In April 2009, the ITU hosted the 4th World Telecommunication Policy Forum (WTPF) in Lisbon which also adopted a number of so-called "Opinions" for Internet Governance. For the first time in an official ITU meeting members of civil society and the academic community could get – on a personal exceptional basis – the permission to participate in the meeting as silent onlookers. But they had no right to speak in the general discussion of the WTPF plenaries. The ITU will have its next Plenipotentiary Conference in October 2010 in Mexico.