


# Islamic Republic of Iran

# Cyber Space National Center

Contribution from the Islamic Republic of Iran

to

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# Table of Contents

Part 1- Background ..... 4

**1. What is Internet?** ..... 4

**2. Internet Governance and its Definition** ..... 4

**3. Internet Constituencies** ..... 5

**3.1. United Nations bodies** ..... 5

**3.2. Non-United Nations bodies** ..... 5

**4. Discussion on Internet Governance at WSIS** ..... 10

**5. Post WSIS Activities** ..... 12

**5.1. Internet Governance Forum (IGF)** ..... 12

**5.2. Enhance Cooperation** ..... 12

**6. What is Multistakeholder Concept?** ..... 14

6.1. **Stakeholder theory** ..... 14

**6.2. What Does Multi-stakeholder Governance Mean?** ..... 14

**6.3. Defining governance system** ..... 15

**6.4. Who are the stakeholders?** ..... 15

**6.5. Possible description of Multistakeholder** ..... 15

**7. Appropriate Multi- stakeholder Model** ..... 16

**8. Existing Situation** ..... 16

**8.1. Affirmation of Commitments** ..... 17

**8.2. DOC Contracts with ICANN and VeriSign** ..... 18

**9. What are the core problems?** ..... 19

**10. Debate over Future Model of Internet Governance** ..... 20

**11. Revising the Model** ..... 21

**12. Debate over Future Model of Internet Governance** ..... 23

**13. Statement by the President of Brazil to UNGA in September 2013 in regard with Internet Governance** ..... 24

**14. Montevideo Statement** ..... 25

**15. The Global Multistakeholder Meeting on the Future of Internet Governance, Sao Paulo** 26

Part 2 - Principles and Roadmap ..... 28

1. **Expected Actions at Sao Paolo meeting** ..... 28
2. **Basic/ Fundamental Principles** ..... 31
3. **Other Principles /Issues and questions** ..... 32
4. **Objectives** ..... 33
5. **Roadmap** ..... 35

# Part 1- Background

### 1. What is Internet?

The Internet is a worldwide System of interconnected computer networks that use the TCP (Transmission Control Protocol)/IP (Internet Protocol) which is sets of network protocols to reach billions of users. The internet began as a US Department of Defense network to link scientists and university professors around the world.

Internet is a network of networks. The Internet serves as a global data communications system that links millions of private, public, academic and business networks via an international telecommunications backbone that consists of various electronic and optical networking technologies.

### 2. Internet Governance and its Definition

To date, there is no universally agreed definition of "Internet governance." A limited definition could encompass the management and coordination of the technical underpinnings of the Internet such as domain names, addresses, standards, and protocols that enable the Internet to function.

A broader definition could include other factors that cover a variety of Internet policy-related issues, such as intellectual property, privacy, Internet freedom, e-commerce, and cybersecurity.

One working definition was developed at the World Summit on the Information Society (WSIS) in 2005:

*"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".*

Another definition developed by the Internet Governance Project:

*"Internet governance is collective decision-making by owners, operators, developers, and users of the networks connected by Internet protocols to establish policies, rules, and dispute resolution procedures about technical standards, resource allocations, and/or the conduct of people engaged in global internetworking activities"*

Internet Governance became a controversial issue in the Geneva Phase of the World Summit on the Information Society (WSIS) in 2003.

One group of governments wanted to bring the oversight over the management of the so-called "critical Internet resources" (domain names, IP addresses, root servers, Internet

protocols) under an intergovernmental regime, as the International Telecommunication Union (ITU).

Another group of governments argued that the existing system with ICANN, IETF, W3C, RIRs etc. works well and there is no need for change. “If isn't broken, don't fix it” argued the father of Internet, Vint Cerf.

The conflict was overshadowed by the fact, that there was no agreed definition, what Internet Governance means and how public policy issues, related to the Internet, should be handled in global negotiations.

## 3. Internet Constituencies

### 3.1. United Nations bodies

- Internet Governance Forum (IGF) IGF, regional, national and subject area initiatives;
- United Nations ‘Commission on Science and Technology for Development (CSTD) and its
- Working Group on Improvements to the IGF (CSTDWG);
- International Telecommunications Union (ITU) World Conference on International Telecommunications (WCIT), a treaty-level conference facilitated by the ITU to address international telecommunications regulations, held in December 2012 in Dubai;
- World Summit on the Information Society (WSIS), summits held in 2003 (Geneva) and 2005 (Tunis). WSIS Forum, annual meetings held in Geneva starting in 2006 as a follow up of the WSIS Geneva Plan of Action;
- WSIS+10, a high-level event and extended version of the WSIS Forum to take stock of achievements in the last 10 years and develop proposals for a new vision beyond 2015, to be held from in 2014 (date and venue to be finalized);
- Working Group on Internet Governance (WGIG);

### 3.2. Non-United Nations bodies

Following organizations /institutions are part of/involved in the Internet Governance:

- Internet Corporation for Assigned Names and Numbers (ICANN) - Coordinates the Internet's systems of unique identifiers: IP addresses, Protocol-Parameter registries, top-level domain space (DNS root zone);
- International Organization for Standardization, Maintenance Agency (ISO 3166 MA) - Defines names and postal codes of countries, dependent territories, special areas of

geographic significance. To date has played only a minor role in Internet standards development;

- Internet Architecture Board (IAB) - Oversees the technical and engineering development of the IETF and IRTF;
- Internet Assigned Numbers Authority (IANA) functions under agreement with the US Department of Commerce's National Telecommunications and Information Administration;
- Internet Engineering Task Force (IETF) - Develops and promotes a wide range of Internet standards dealing in particular with standards of the Internet protocol suite. Their technical documents influence the way people design, use and manage the Internet;
- Internet Governance Forum (IGF) - A multi stakeholder open forum for debate on issues related to Internet governance. This forum is established under United Nations Secretary - General pursuant to the decision taken at WSIS Tunis phase in 2005;
- Internet Research Task Force (IRTF) - Promotes research of the evolution of the Internet by creating focused, long-term research groups working on topics related to Internet protocols, applications, architecture and technology;
- Internet Society (ISOC) - Assures the open development, evolution and use of the Internet for the benefit of all people throughout the world. Currently ISOC has over 90 chapters in around 80 countries;
- Number Resource Organization (NRO) - Established in October 2003, the NRO is an unincorporated organization uniting the five RIRs;
- Regional Internet Registries (RIRs) - There are five regional Internet registries. They manage the allocation and registration of Internet number resources, such as IP addresses, within geographic regions of the world. (Africa: www.afrinic.net; Asia Pacific: www.apnic.net; Canada and United States: www.arin.net; Latin America & Caribbean: www.lacnic.net; Europe, the Middle East and parts of Central Asia: www.ripe.net);
- World Wide Web Consortium (W3C) - Creates standards for the World Wide Web that enable an Open Web Platform, for example, by focusing on issues of accessibility, internationalization, and mobile web solutions.

### 3.2.1. Internet Corporation for Assigned Names and Numbers (ICANN)

For certain reasons and due to the major role played by ICANN, this entity is further discussed below.

ICANN was created in 1998 through **a Memorandum of Understanding with the Department of Commerce** (see the following section of this report, “Role of U.S. Government”). **Directed by an internationally constituted Board of Directors,** ICANN is

a private, not-for-profit organization based in Marina Del Ray, CA, which manages and oversees the critical technical underpinnings of the Internet such as the domain name system and IP addressing.

ICANN implements and enforces many of its policies and rules through contracts with registries (companies and organizations who operate and administer the master database of all domain names registered in each top level domain, such as .com and .org) and accredited registrars (the hundreds of companies and organizations with which consumers register domain names).

Policies are developed by Supporting Organizations and Committees in a so-called consensus-based "bottom-up" process open to various constituencies and stakeholders of the Internet.

As such, ICANN is often pointed to as emblematic of the "multistakeholder model" of Currently, an important aspect of the Internet is governed by a private sector, international organization called the Internet Corporation for Assigned Names and Numbers (ICANN), which manages and oversees some of the critical technical underpinnings of the Internet such as the domain name system and Internet Protocol (IP) addressing.

ICANN makes its policy decisions using a so-called multistakeholder model of governance, in which  is expected to function in a "bottom-up" collaborative process to be open to all constituencies of Internet stakeholders.

On the other hand, the IANA is still functioning under the oversight of one government which includes the right to authorize the publication (introduction, modification and deletion) of root zone files for top level domain names in the authoritative root.

Allocation of IP addresses was delegated to four Regional Internet Registries (RIRs):

- American Registry for Internet Numbers (ARIN) for North America;
- Réseaux IP Européens - Network Coordination Centre (RIPE NCC) for Europe, the Middle East, and Central Asia;
- Asia-Pacific Network Information Centre (APNIC) for Asia and the Pacific region;
- Latin American and Caribbean Internet Addresses Registry (LACNIC) for Latin America and the Caribbean region;

A fifth RIR, AfriNIC, was created in 2004 to manage allocations for Africa.

### 3.2.2. ICANN and Internet governance.

Many things have been said and documented about what ICANN doing these days, some of which are either directly quoted or were summarized as outline below:

"The Exercise of Public Authority by International Institutions" (Matthias Hellwig et al, 2010) stated a fact that is both instructive and yet alarming. The fact is the following:

*"One of the most curious instances of international administrative governance is the Internet Corporation for Assigned Names and Numbers (ICANN). On the one hand, ICANN is neither an international organization, nor even an entity under international law, but a non-profit corporation under Californian law. On the other hand, it administers access to the Internet and sets the standards around the world. The principal participants in setting the standards and organizing the Internet are private corporations. Although national governments are involved, they are formally reduced to an advisory role vis-à-vis the organization. [These] roles are generally reversed in international law [where] private persons function as consultants only and it is up to the governments as representatives of states to make binding decisions".*

In other words, ICANN (at present) is dominated by a single Government whose political and policy contradictions have confounded internet governance because of imminent and as yet unanswered questions about whether it was wise in the first place for the U.S. Government to even contemplate a bottom-up regulatory experiment when policy choices with global significance were bound to intersect with the (above-mentioned) appetites of international profit taking.

Hellwig further stated that: *"Under the standard model of international law an international organization or an international authority may set rules only after having been empowered to this end by states. ICANN, however, has never been vested with such powers by any international treaty. Further, international actors are usually bound by the rules established by an international organization or authority only by accepting such an obligation through international treaties and agreements. The rules set by ICANN, however, are accepted and implemented without any such international legal instrument having been concluded."* [ICANN creates] rules which are potentially of greater importance than most acts of international organizations and they are more widely and more strictly accepted and respected than binding decisions of most international organizations.... The reason why ICANN's decisions enjoy such broad acceptance and are followed so strictly is practical in nature: *"ICANN's rules are necessary for the operation of the Internet, without which the Internet would not run, and without the Internet today's world would not run."*

(Economic Institute, Utrecht University, 1999) by Johan den Hertog points out:

*"[a] distinction is often made between economic and social regulation. Economic regulation consists of two types of regulations: structural regulation and conduct regulation. Structural regulation is used for regulating market structure. Examples are restrictions on entry and exit and rules against individuals supplying professional services in the absence of recognized qualifications. Conduct regulation is used for regulating behavior in the market. Examples are price control, rules against advertising and minimum quality standards."*

ICANN does neither of these things which it accounts for by claiming it is merely a private business with a not-for-profit mandate which in any case is subject to oversight by stake-holders. ICANN does what it wants to do because ICANN senior management ultimately and actually oversees itself.

### 3.2.3. Devising the ICANN Governance Test

Testing ICANN's internet governance model is a reality check that can only occur by comparing it with an alternative model that bypasses ICANN in the real world Internet, and does that by building an observable and testable governance régime from scratch. Does the task seem impossible? ICANN controls the root, does it not? Well, not necessarily so. It can be done.

According to Foreign Affairs magazine (2002) *"The fact is that government active participation (not in an advisory capacity) in regulating the Internet is necessary. Given the new economic and geopolitical environment, finding the right balance between an open, networked system and the security of a more closed environment requires significant participation by government. Although governments do not all share the same values, they are the only institutions that can provide stability and a place for debate over what public values need to be protected. These issues are significant policy questions that require democratic resolution, not just technical matters that can be left to experts."*

Cerf: (December 2, 2012 on Google's Blog). "*While some governments argue that the internet needs new global rules to speed its rollout in the developing world, we believe the present market-driven approach is best positioned to keep up with the net's exponential growth... [a] state-controlled system of regulation is not only unnecessary, it would almost invariably raise costs and prices and interfere with the rapid and organic growth of the internet we have seen since its commercial emergence in the 1990s".*

But, the dilemma remains: How does one test the efficacy of ICANN's internet governance model? Say, against an alternative model? Can the reality check only occur by comparing ICANN with an alternative governance model that bypasses ICANN?

### 3.2.4. Governmental Advisory Committee (GAC),

As part of ICANN's multistakeholder process, the GAC provides advice to the ICANN Board on matters of public policy, especially in cases where ICANN activities and policies may interact with national laws or international agreements related to issues such as Intellectual property, Law enforcement, and Privacy.

Although the ICANN Board is required to consider GAC advice and recommendations, it is not obligated to follow those recommendations. Membership in the GAC is open to all

national governments who wish to participate. Currently, there are 128 nations represented, and the GAC Chair is presently held by Canada, with Vice Chairs held by Australia, Switzerland and Trinidad and Tobago

## 4. Discussion on Internet Governance at WSIS

World Summit on the Information Society (WSIS) following the creation of ICANN in 1998, many in the international community, including foreign governments, argued that it was inappropriate for a single government to maintain its legacy authority over ICANN and the DNS. They suggested that management of the DNS should be accountable to a higher intergovernmental body. The United Nations, at the first phase of the WSIS in December 2003, debated and agreed to study the issue of how to achieve greater international involvement in the governance of the Internet, and the domain name system in particular.

The Geneva summit could not agree on how the Internet Governance to be accomplished, a "Working Group on Internet Governance" (WGIG) was then established by the UN with a mandate to define Internet Governance and to identify related public policy issues. The WGIG made it clear that Internet Governance a) is more than Internet Names and Numbers b) needs the involvement of all stakeholders in their respective roles and c) Requires a concept of "sharing" both in policy development and in decision making among all involved stakeholders.

The study was conducted by the U.N.'s Working Group on Internet Governance (WGIG). On July 14, 2005, the WGIG released its report, stating that no single government should have a preeminent role in relation to international Internet governance. The report called for further internationalization of Internet governance, and proposed the creation of a new global forum for Internet stakeholders. Four possible models were put forth, including two involving the creation of new Internet governance bodies linked to the U.N. Under three of the four models, ICANN would either be supplanted or made accountable to a higher intergovernmental body.

The report's conclusions were scheduled to be considered during the second phase of the WSIS held in Tunis in November 2005. But that single Government stated its opposition to transferring control and administration of the domain name system from ICANN to any international body.

The WGIG also made it clear that there is a difference between the **"evolution"** and the **"use"** of the Internet which need also a different approach. The "evolution" is generally refers more to the technical Internet infrastructure and , the "use" is refers more to the public policy issues such as access, development, capacity building, and freedom of expression, intellectual property, privacy, security, cultural diversity, multilingualism and others.

The WGIG also made it clear that there are two separate functions: the **"forum function"** and the "**oversight function".** The group could not agree on the "oversight function"

however, consensus emerged on the establishment of multistakeholder Internet Governance Forum (IGF).

The final report of the WGIG reflected the controversies in four different models.

One group was in favor of the "Status Quo" arguing that there is no need for an oversight mechanism, other the special role of the US government in overseeing ICANN.

Another group suggested a "Status Quo Plus" which include to leave the technical management of the critical Internet resources in the hand of the private sector such as ICANN, but would put it under the oversight of an intergovernmental council.

A third group opted for a "Status Quo Plus Plus", a new worldwide intergovernmental UN Internet Organization.

A forth group proposed a "Status Quo Minus", the continuation of the existing system by abolishing the special role of the US governments.

In the final negotiations in Tunis (November 2005) consensus emerged on the definition and the IGF, but governments could not agree on the oversight function. Toward the end of the Tunis meeting there were two controversial positions:

One group wanted to have a "new cooperation model" based on a two layer system where an "Intergovernmental Internet Council" should get decision making capacity for issues "on the level of principle" while the day-to-day operations should remain in the hand of the private sector.

Another group was of the opinion that the existing system has worked well and a new intergovernmental mechanism would risk to limit Internet freedom and to hamper innovation.

In order to accommodate both views in a single view, the concept of enhanced cooperation as contained in paragraphs 69 - 71 of the Tunis Agenda was agreed.

This compromise language allowed both groups to be almost satisfied.

One group was of the view that there was no need for the change of the existing Internet Governance mechanisms.

For this group the process of enhanced cooperation was just a continuation of the already existing cooperation among intergovernmental and non-governmental Internet organizations with the aim to improve, develop and enhance the communication, coordination as well as formal and informal collaboration among all partners.

The other group believed that additional mechanisms can be introduced, if enough stakeholders agree to move forward and to build a "new cooperation model".

For this group the Tunis decision was seen as the start of a process which would lead sooner or later to the establishment of a new intergovernmental mechanism under the UN.

The European Union (EU) initially supported the U.S. position. However, during the September 2005 preparatory meetings, the EU seemingly shifted its support towards an approach which favored an enhanced international role in governing the Internet.

Conflict at the WSIS Tunis Summit over control of the domain name system was averted by the announcement, on November 15, 2005, of an Internet governance agreement between the United States, the EU, and over 100 other nations. Under this agreement, ICANN and the United States maintained their roles with respect to the domain name system.

Finally, in 2005, the World Summit on the Information Society (WSIS) considered four models of Internet governance, of which three would have involved an intergovernmental body to oversee the Internet and the domain name system. While the WSIS ultimately decided not to pursue an intergovernmental model in 2005, some nations have again advocated an intergovernmental approach for Internet governance.

A new international group under the auspices of the U.N. was formed -the Internet Governance Forum (IGF) - which would provide an ongoing forum for all stakeholders (both governments and nongovernmental groups) to discuss and debate Internet policy issues.

## 5. Post WSIS Activities

### 5.1. Internet Governance Forum (IGF)

The IGF was established in 2006 by the United Nation's pursuant to the decision taken at World Summit on the Information Society (WSIS). The purpose of the IGF is to provide a multistakeholder forum which provides an open discussion (in yearly meetings) on public policies related to the Internet.

IGF is Open to all stakeholders and interested parties (governments, industry, academia, civil society), the IGF is expected to serves as an open discussion forum and does not have negotiated outcomes, nor does it make formal recommendations to the U.N.

In December 2010, the U.N. General Assembly renewed the IGF through 2015 and tasked the U.N.'s Commission on Science and Technology for Development (CSTD) to develop a report and recommendations on how the IGF might be improved.

A Working Group on Improvements to the Internet Governance Forum was formed by the U.N., which includes 22 governments (including the United States) and the participation of Internet stakeholder groups.

### 5.2. Enhance Cooperation

After years of extensive discussion, the 67$^{th}$ UN General Assembly decided to establish another "Working Group on Enhanced Cooperation" (WGEC) to explore ways and means on

how to implement the Tunis Agenda. The WGEC operates under the UNCSTD. It started its work in May 2013. As a first step it did send out a questionnaire with 18 questions.

### 5.2.1. WGEC and the Questionnaire

The purpose of the questionnaire was to find out, where we are today. With no surprise, the 69 replies reflected the basic controversy from 2005.

For one group "enhanced cooperation" takes place successfully on a daily basis.

For the other group "enhanced cooperation" has not yet really started and has to be started as soon as possible.

This could be interpreted that the "new intergovernmental oversight body" versus. "Continuation of the existing multistakeholder mechanism" is still on the table.

However, the full picture today is much more differentiated than in 2005.

Those who favor a new mechanism have widely recognized that a purely intergovernmental body may not meet the challenges of today's and tomorrow's Internet. They have accepted that a new mechanism, if established, has to include all stakeholders.

Those who support the Status Quo have recognized that Status Quo does not mean that everything is functioning and that further improvements are needed which could include also filling gaps in the existing Internet Governance Eco-System by new multistakeholder mechanisms, where appropriate.

It is worth to mention that the term "multistakeholder mechanisms" could be different from "multistakeholder Approach" and different from "multistakeholder model" currently in place under the Affirmation of Commitment singed between ICANN and US Government.

Since 2005 the status of ICANN has changed fundamentally. ICANN was under US government oversight in 2005 (via a Memorandum of Understanding from 1998). Today, ICANN, based on the "Affirmation of Commitments" (AoC) agreement from 2009, is a quasi-independent corporation. However, ICANN is not accountable to any entity than itself .The governments play a much greater role (on equal footing) in ICANN's Governmental Advisory Committee (GAC) and raise effectively their voices if it comes to public policy related issues in the further enhancement of the management of critical Internet resources. However, such advice may be reversed by the ICANN Board as it has happened at various occasions in the past.

The stakeholders from developing countries including governments, private sector, civil society and technical community are not well represented in the existing process of the Internet Governance Eco-System. The main issue is that a number of new emerging Internet Public Policy issues do not yet have a natural multistakeholder place for discussion and decision making.

## 6. What is Multistakeholder Concept?

### 6.1. Stakeholder theory

Stakeholder theory is a theory of organizational management and business ethics that addresses morals and values in managing an organization. It identifies and models the groups which are stakeholders of a corporation, and both describes and recommends methods by which management can give due regard to the interests of those groups. In short, it attempts to address the "Principle of Who or What Really Counts.

In the traditional view of the firm, the shareholder view, the shareholders or stockholders are the owners of the company, and the firm has a binding fiduciary duty to put their needs first, to increase value for them. Stakeholder theory argues that there are other parties involved, including employees, customers, suppliers, financiers, communities, governmental bodies, political groups, trade associations, and trade unions. Even competitors are sometimes counted as stakeholders - their status being derived from their capacity to affect the firm and its stakeholders. The nature of what is a stakeholder is highly contested with hundreds of definitions existing in the academic literature. Among these one simple definition is

"A person, group or organization that has interest or concern in an organization."

### 6.2. What Does Multi-stakeholder Governance Mean?

The governance of a Multi-Stakeholder could be defines as «the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest."

This definition suggests two central elements for the legitimacy of a governance system:

- The will or acceptance by the public or private associates of a broad framework into which they manage their business
- A process of negotiation and power balance.

In a public system the authority and regulatory power comes from the State. But this power can be given or shared with others. In discussing environmental governance, different types of initiatives, depending on the source of policy-making power could be identified. One could refer to traditional state-centered given authority and non-state, or private governance systems which power are not given by the state. Looking at who sets the norms and standards, four forms of governance could exist:

- The traditional regulation,

- Co-regulation,
- Industry self-regulation and
- Multi-stakeholder regulation.

### 6.3. Defining governance system

Central to the definition of the governance system is the establishment of the **objectives** and desired outputs of the nascent initiative. Technical matters will require a certain degree of expertise that is different from initial policy setting matters. The Rio Declaration (UNCED 1992) recognized that the responsibility to care about environmental and social issues, and sustainable development in general falls upon the different stakeholders. For dealing with these public interest issues their participation is crucial.

It is the nature of the envisaged objectives and products that will help to decide which institutional structure is required and the appropriate combination of stakeholders that should take part in the initiative.

There is a need to differentiate the stakeholders that are relevant at the different stages of development of the initiative as well.

### 6.4. Who are the stakeholders?

The identification of the relevant or important stakeholders is an important step in the generation of a multi-stakeholder initiative. Generally speaking, ‘stakeholders’ are those who should participate of the process. Participation is the cornerstone of democracy. But participation can be limited by how representation is defined, which type of processes are designed, the benefits in relation to the cost, time and effort required. One may considers that the definition of representativeness is one of the easiest ways to limit participation. However, since there is no single standard for measuring representativeness, it is also difficult to assess what the appropriate level is in any given case.

### 6.5. Possible description of Multistakeholder

Multistakeholder process could be described as different interest groups coming together on an equal footing to “identify problems, define solutions, and agree on roles and responsibilities for policy development, implementation, monitoring evaluation, and accountability In this process, two distinct issues are to be recognized:

- Participation and,
- Decision making process based on consensus building process.

Participation can includes and engages all interested parties such as government civil society, technical and academic experts industry, and under certain circumstances and condition, the general public. Appropriate level of participation of all interested parties, multistakeholder processes could encourage and result in broader and more creative problem solving. In decision-making, it is important that stakeholders come together on an equal footing, according to their role .Final decisions need to reflect the views of all stakeholders in an emerged consensus development as opposed to just the views of only one of the stakeholder communities involved. However, it is also important to avoid one or a group of minority stakeholders due to their very common interests block emerging consensus building process

It is therefore essential that Internet stakeholders to collaboratively work together, in a healthy and friendly atmosphere, to address the very complex challenges in the spirit and tradition of the multistakeholder process, It is especially critical that these discussions engage nations of the developing world to build a global consensus on the importance of a fair and well defined multistakeholder process in Internet governance.

## 7. Appropriate Multi- stakeholder Model

In view of what was discussed in section 6, it is obvious that there is variety of Models in a Multi-stakeholder Approach. One of the Models very often mentioned in the Existing Internet Governance is that used by ICANN. However, in a pragmatic and workable situation/approach one could identifies other Models which could more efficiently respond to the concerns expressed since the creation of ICANN ,further explored by WSIS recently voiced by almost everybody involved in the Internet process to replace the existing Model used by ICANN.

## 8. Existing Situation

According to publicly available information, A 1998 Memorandum of Understanding between ICANN and the Department of Commerce (DOC) initiated a process intended to transition technical DNS coordination and management functions to a private-sector not-for-profit entity. While the DOC may not play a role in the internal governance nor does it play a role in the day-to-day operations of ICANN, the U.S. government, through the DOC/NTIA, retains a role with respect to the DNS via three separate contractual agreements. These are:

- A 2009 Affirmation of Commitments (AoC) between DOC and ICANN;
- A contract between ICANN and DOC to perform various technical functions such as ; allocating IP address blocks, editing the root zone file, and coordinating the assignment of unique protocol numbers; and
- An agreement, of cooperative type, between DOC and VeriSign to manage and maintain the official DNS root zone file.

In other words, currently, the U.S. government, through the National Telecommunications and Information Administration (NTIA) at the Department of Commerce, enjoys a unique influence over ICANN, largely by virtue of its legacy relationship with the Internet and the domain name system.

H.R. 1580 introduced on April 16, 2013, states that *"it is the policy of the United States to preserve and advance the successful multistakeholder model that governs the Internet."* The ongoing debate over Internet governance will likely have a significant impact on how other aspects of the Internet may be governed in the future, especially in such areas as intellectual property, privacy, law enforcement, Internet free speech, and cybersecurity. Looking forward, the institutional nature of Internet governance could have far-reaching implications on important policy decisions that will likely shape the future evolution of the Internet.

By virtue of those three contractual agreements, the United States government -through DOC/NTIA- exerts a legacy authority over ICANN, and arguably has more influence over ICANN and the DNS than other national governments.

While NTIA is the lead agency overseeing domain name issues, other federal agencies maintain a specific interest in the DNS that may affect their particular missions. For example, the Federal Trade Commission (FTC) seeks to protect consumer privacy on the Internet, the Department of Justice (DOJ) addresses Internet crime and intellectual property issues, and the Department of Defense and Department of Homeland Security address cybersecurity issues. However, none of these agencies have legal authority over ICANN or the running of the DNS.

### 8.1. Affirmation of Commitments

Again based on the publicly available information, on September 30, 2009, DOC and ICANN announced agreement on an Affirmation of Commitments (AoC) to "institutionalize and memorialize" the technical coordination of the DNS globally and by a private-sector-led organization.5 The AoC replaced the previous Memorandum of Understanding and subsequent Joint Project Agreement between DOC and ICANN. It has no expiration date and would conclude only if one of the two parties decided to terminate the agreement.

Under the AoC, ICANN committed to remain a not-for-profit corporation "headquartered in the United States of America with offices around the world to meet the needs of a global community." According to the AoC, "ICANN is a private organization and nothing in this Affirmation should be construed as control by any one entity." Specifically, the AoC called for the establishment of review panels which will periodically make recommendations to the ICANN Board in four areas:

- Ensuring accountability, Transparency, the interests of global Internet users (panel includes the Administrator of NTIA);

- Preserving security, stability, and resiliency;
- Impact of new generic top level domains (gTLDs); and
- WHOIS policy.

On December 31, 2010, the Accountability and Transparency Review Team (ATRT) released its recommendations to the Board for improving ICANN's transparency and accountability with respect to Board governance and performance, the role and effectiveness of the GAC and its interaction with the Board, public input and policy development processes, and review mechanisms for Board decisions.7 At the June 2011 meeting in Singapore, the Board adopted all 27 ATRT recommendations. According to NTIA, "the focus turns to ICANN management and staff, who must take up the challenge of implementing these recommendations as rapidly as possible and in a manner that leads to meaningful and lasting reform."

### 8.2. DOC Contracts with ICANN and VeriSign

A contract between DOC and ICANN authorizes the Internet Assigned Numbers Authority (IANA) to perform various technical functions such as allocating IP address blocks, editing the root zone file, and coordinating the assignment of unique protocol numbers. Additionally, a cooperative agreement between DOC and VeriSign (a company that operates the .com and .net registries) authorizes VeriSign to manage and maintain the official root zone file that is contained in the Internet's root servers that underlie the functioning of the DNS.

By virtue of these legal agreements, the DOC must approve changes or modifications made to the root zone file (changes, for example, such as adding a new top level domain).

Debate among Internet stakeholders was ongoing over the renewal of the IANA contract between DOC and ICANN, which was due to expire on September 30, 2012. The IANA contract renewal provided a further arena for the larger debate over Internet governance. NTIA's draft Statement of Work (SOW) detailing work requirements for the IANA contract included a provision requiring that requests to IANA for new gTLDs be accompanied by documentation demonstrating how the proposed new gTLD "reflects consensus among relevant stakeholders and is supportive of the global public interest." ICANN and many others in the domain name community submitted comments to NTIA, expressing strong opposition to the proposal that requests to IANA for new gTLDs be accompanied by documentation demonstrating global public support and consensus.

According to ICANN, such a step would undermine ICANN's multistakeholder model by revising the gTLD implementation and policy processes already adopted through the bottom-up decision-making process.

According to the National Research Council, "The root zone file defines the DNS. For all practical purposes, a top level domain (and, therefore, all of its lower-level domains) is in the DNS if and only if it is listed in the root zone file.

Therefore, presence in the root determines which DNS domains are available on the Internet

The June 30, 2005, "U.S. Principles on the Internet's Domain Name and Addressing System" stated the intention to "*preserve the security and stability"* of the DNS, and asserted that "the United States is committed to taking no action that would have the potential to adversely impact the effective and efficient operation of the DNS *and will therefore maintain its historic role in authorizing changes or modifications to the authoritative root zone file.*

NTIA's final contract solicitation, released on November 10, 2011, lessened the IANA contractor requirements for adding new gTLDs, stating that when adding new gTLDs to the root zone, the contractor must provide "specific documentation demonstrating how the process provided the opportunity for input from relevant stakeholders and was supportive of the global public interest."

The IANA contract solicitation issued by NTIA specified that the contractor must be a wholly U.S. owned and operated firm or a U.S. university or college; that all primary operations and systems shall remain within the United States; and that the U.S. government reserves the right to inspect the premises, systems, and processes of all facilities and components used for the performance of the contract.

On July 2, 2012, NTIA announced the award of the new IANA contract to ICANN for up to seven years (through September 2019). The new contract included a separation between the policy development of IANA services and the implementation by the IANA functions contractor. The contract also featured "a robust company-wide conflict of interest policy; a heightened respect for local national law; and a series of consultation and reporting requirements to increase transparency and accountability."

U.S. government authority and control over IANA and the management of the root zone file is a long-standing point of contention internationally. For example, while the European Commission approved many aspects of the new IANA contract, it sounded the following caution:

### 9. What are the core problems?

The most crucial and fundamental problems centers on accountability and the bottom up principle that currently practiced by ICANN.

There is no clear, well-established division of responsibility between the bottom up policy making organs (the Supporting Organizations and Advisory Committees) and the Board.

The Board is all-powerful and too far removed from what should be its membership. The so-called bottom up process is ambiguous and slow, if not chaotic.

Interest groups who do not get what they want from the bottom up process always try to reverse or alter the results by going directly to the Board.

The Board contributes to this problem by repeatedly altering processes and outcomes with special arrangements. One example is the 2009 "Implementation Review Team" that gave one noisy stakeholder group the right to conduct their own policy making process after the official one was finished.

One of the problems here is the oft-asserted distinction between policy *making* which is supposed to be done by representative organs on a bottom-up, consensus basis) and policy *implementation* (which is delegated to ICANN's professional staff). Too often, the concept of "policy implementation" becomes a process of "policy making" by staff and management. Staff policy making can be influenced by behind-the-scenes lobbying or even the policy staff's own views.

Advisory Committees, have increasingly overlapping areas of interest, yet have uncoordinated processes. As they compete for the attention of the Board with their own proposals and positions, the Board and staff attains absolute discretion as to which one it wishes to pay attention to.

It can play them off against each other, eliminating accountability and making it impossible for any SO process to have a predictable result, even if it achieves some measure of consensus on its own terms. Additionally, organized industrial interests in the U.S. can always bypass those processes and go to the single Government currently overseeing to put pressure on ICANN.

What accounts for these persistent problems with bottom up and accountability?

The answer is surprisingly straightforward. ICANN was incorporated under a specific legal framework (California Nonprofit Public Benefit Corporation law) with fairly good accountability features under that law.

## 10. Debate over Future Model of Internet Governance

Given its complexity, diversity, and international nature, how should the Internet be governed?

Some assert that a multistakeholder model of governance is appropriate, where all stakeholders (both public and private sectors) arrive at consensus through a transparent bottom-up process?

Others argue that a greater role for national governments is necessary due to the fact that the latter has either no actual role as its role is only of advisory nature, either through increased influence through the multistakeholder model, or under the auspices of an international body exerting intergovernmental control.

To date, ICANN and the governance of the domain name system has been the focal point of this debate. While ICANN's mandate is to manage portions of the technical infrastructure of the Internet (domain names and IP addresses), many of the decisions ICANN makes affect

other aspects of Internet policy, including areas such as intellectual property, privacy, and cybersecurity.

These are areas which many national governments have addressed for their own citizens and constituencies through domestic legislation, as well as through international treaties.

As part of the debate over an appropriate model of Internet governance, Two main concerns were raised,

One concern reflects the tension between national governments and the current performance and governance processes of ICANN, whereby governments feel they lack adequate real participation in ICANN decisions making that affect a range of Internet policy issues.

The other concern is that a single Government holds undue legacy influence and control over ICANN and the domain name system.

The debate over multistakeholderism vs. intergovernmental control initially manifested itself in 2005 at the World Summit on the Information Society (WSIS), which was a conference organized by the United Nations.

More recently, this debate has been further accentuated in various international fora, partially sparked by two ICANN actions in 2011: the approval of the .xxx top-level domain and the approval of a process to allow an indefinite number of new generic top level domains (gTLDs).

### 11. Revising the Model

What has been missing is a legal framework with clear lines of accountability to real stakeholder/members Approach/Model.

One option to explore is that ICANN's status as a public, global governance agency could be accepted and recognized. There should be lawful constraints on its mission and adequate checks on the potential for abuse of its authority. These should come from a formal international agreement initiated. Governments should be involved not as "oversight" authorities but as main and principal backers of a shared legal framework that maintains accountability in an appropriate Multi-Stakeholder Model in a Multi-Stakeholder Approach in which all involved constituencies participate on an equal footing to carry out their role.

An international agreement along these lines should have the following elements:

- The Multi-Stake Approach with an appropriate Model, yet to be defined;
- The sovereignty of national governments over ccTLDs should be formally recognized, and authority over their delegation ceded from ICANN to national governments using a formal, secure and verifiable process. The e-IANA concept, which allows recognized ccTLD managers to update their root zone entries directly, should be implemented;

- There should be a prohibition on using ICANN for content regulation; the instrument should also create a right of all parties to initiate legal challenges to ICANN actions on these grounds;
- GAC, together with current function need to be re-thought to examine their future role in the above-mentioned Multi-Stakeholder Approach;
- Similarly IANA and its function, if needed, should also be reviewed;

Other options need to be further studied and explored.

Another view is that Internet governance may be defined as superstructure where, beyond national policies, are established internationally, public policy, connectivity agreements, competition fairness, and digital ethics .The question raised by those who are for no change to the current arrangement is "how to govern such a decentralized wildness?". In view of these people, in this world of ''Digital Freedom Fighters of all kind", the enemy is governance and regulation. They believe that 'Regulation kills innovation"; And "Internet could not be governed except by the successful corporations".

Other view is that, Internet public regulation is needed all over the world. International law is not the enemy. The questions to be answered are

- How to calm down the very upset prevailing partners and disappointment of the public, and
- How to avoid a major digital spring that would ruin the current status

Regarding the Internet governance itself, one thought emerged in the mind of those dominating the Internet is to create a double-win situation. "*Let's give away the ICANN to the rest of the world*." The ICANN would become an international body, away from the single Government currently controlling it. Of course, it is hard to imagine that this would affect the 13 global Internet 'root-servers' run by entities based in the that country (Verisign, USC-ISI, Cogent, Maryland University, Nasa, Internet Systems Consortium, Defense Information Systems Agency, United States Army, ICANN), one in the UK (RIPE NCC), one in Japan (WIDE Project), and one in Sweden (Autonomica).

In order to promote a multi-stakeholder neoliberal model, there is a need to give the ICANN an international feature, still not a UN one. Such an institutional entity would have much room for improvisation and special arrangements - as ICANN did for 15 years so far.

The more appropriate option would be to give a practical feature to Internet requiring active participation by governments, their respective agencies within the United Nations, but also users, civil society, and technicians, who after all make the Internet work

The corporations and academics were also proposed to be added to that list to participate to the debate.

In some point of time it was also mentioned that "We must not allow economic, political and religious interests to interfere in the free circulation of ideas".

Some people interpreted such feature as keeping the governments and ITU at bay in a renewed Governmental Advisory Committee already existing in the current ICANN.

During 1998, the IANA became part of the Internet Corporation for Assigned Names and Numbers (ICANN), a newly created Californian non-profit corporation, initiated during September 1998 by the US Government and awarded a contract by the US Department of Commerce. Initially two board members were elected by the Internet community at large, though this was changed by the rest of the board during 2002 in a little-attended public meeting in Accra, Ghana.

During 1992 the Internet Society (ISOC) was founded, with a mission to "assure the open development, evolution and use of the Internet for the benefit of all people throughout the world". Its members include individuals (anyone may join) as well as corporations, organizations, governments, and universities. The IAB was renamed the Internet Architecture Board, and became part of ISOC. The Internet Engineering Task Force also became part of the ISOC. The IETF is overseen currently by the Internet Engineering Steering Group (IESG), and longer term research is carried on by the Internet Research Task Force and overseen by the Internet Research Steering Group.

### 12. Debate over Future Model of Internet Governance

Given its complexity, diversity, and international nature, how should the Internet be governed?

Some assert that a multistakeholder model of governance is appropriate, where all stakeholders (both public and private sectors) arrive at consensus through a transparent bottom-up process.

Others argue that a greater role for national governments is necessary,

Either through increased influence through the multistakeholder model, or under the auspices of an international body exerting intergovernmental control.

To date, ICANN and the governance of the domain name system has been the focal point of this debate. While ICANN's mandate is to manage portions of the technical infrastructure of the Internet (domain names and IP addresses), many of the decisions ICANN makes affect other aspects of Internet policy, including areas such as intellectual property, privacy, and cybersecurity.

These are areas which many national governments have addressed for their own citizens and constituencies through domestic legislation, as well as through international treaties.

As part of the debate over an appropriate model of Internet governance, criticisms of ICANN have arisen on two fronts. One criticism reflects the tension between national governments and the current performance and governance processes of ICANN, whereby governments feel they lack adequate influence over ICANN decisions that affect a range of Internet policy issues.

The other criticism is fueled by concerns of many nations that the U.S. Government holds undue legacy influence and control over ICANN and the domain name system.

The debate over multistakeholderism vs. intergovernmental control initially manifested itself in 2005 at the World Summit on the Information Society (WSIS), which was a conference organized by the United Nations.

More recently, this debate has been rekindled in various international fora, partially sparked by two ICANN actions in 2011: the approval of the .xxx top-level domain and the approval of a process to allow an indefinite number of new generic top level domains (gTLDs).

As discussed above, ICANN is expected to be a working example of a multistakeholder model of Internet governance, whereby a bottom-up collaborative process was intended to be used to provide Internet stakeholders with access to the policymaking process. In particular, continued support is needed for the multi-stakeholder environment, which has underpinned the process of Internet governance and the management of critical Internet resources (such as naming and numbering resources) and these various stakeholders should continue to fully play a role in this framework. Governments should also work in multi-stakeholder environments to achieve international public policy goals and strengthen international co-operation in Internet governance.

At the G8 Summit of Deauville on May 26-27, 2011, the G8 issued a declaration on its renewed commitment for freedom and democracy that contained a new section on the Internet.

Support for a multistakeholder model for Internet governance with a significant national government role was made explicit:

“As we support the multi-stakeholder model of Internet governance, we call upon all stakeholders to contribute to enhanced cooperation within and between all international fora dealing with the governance of the Internet. In this regard, flexibility and transparency have to be maintained in order to adapt to the fast pace of technological and business developments and uses. Governments have a key role to play in this model”.

## 13. Statement by the President of Brazil to UNGA in September 2013 in regard with Internet Governance

Her Excellency the President of Brazil in her address to the United Nation Genera Assembly in September 2013, made an important statement in regard with Internet Governance, the relevant part of which is reproduced below:

Quote

*" Brazil will present proposals for the establishment of a civilian multilateral framework for the governance and use of the Internet and to ensure the effective protection of data that travels through the web. We need to create multilateral mechanisms for the worldwide network that are capable of ensuring principles such as:*

- *Cultural diversity, without the imposition of beliefs, customs and values.*
- *Neutrality of the network, guided only by technical and ethical criteria, rendering it inadmissible to restrict it for political, commercial, religious or any other purposes.*
- *Freedom of expression, privacy of the individual and respect for human rights.*
- *Open, multilateral and democratic governance, carried out with transparency by stimulating collective creativity and the participation of society, Governments and the private sector.*
- *Universality that ensures the social and human development and the construction of inclusive and non-discriminatory societies.*
- *Harnessing the full potential of the Internet requires, therefore, responsible regulation, which ensures at the same time freedom of expression, security and respect for human rights"*

Unquote

**14. Montevideo Statement**

On 7 October 2013 the Montevideo Statement on the Future of Internet Cooperation was released by a number of organizations involved in coordinating the Internet's global technical infrastructure.

In that Statement, the leaders of organizations responsible for coordination of the Internet technical infrastructure globally have met in Montevideo, Uruguay, to consider current issues affecting the future of the Internet.

The Internet and World Wide Web have brought major benefits in social and economic development worldwide. Both have been built and governed in the public interest through unique mechanisms for global multistakeholder Internet cooperation, which have been intrinsic to their success. The leaders discussed the clear need to continually strengthen and evolve these mechanisms, in truly substantial ways, to be able to address emerging issues faced by stakeholders in the Internet.

In this sense:

- They reinforced the importance of globally coherent Internet operations, and warned against Internet fragmentation at a national level. They expressed strong concern over the undermining of the trust and confidence of Internet users globally due to recent revelations of pervasive monitoring and surveillance.
- They identified the need for ongoing effort to address Internet Governance challenges, and agreed to catalyze community-wide efforts towards the evolution of global multistakeholder Internet cooperation.
- They called for accelerating the globalization of ICANN and IANA functions, towards an environment in which all stakeholders, including all governments, participate **on an equal footing**.
- They also called for the transition to IPv6 to remain a top priority globally. In particular Internet content providers must serve content with both IPv4 and IPv6 services, in order to be fully reachable on the global Internet.

This desire to move away from a United States centric approach is seen as a reaction to the ongoing NSA surveillance scandal.

The statement was signed by the heads of the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Engineering Task Force, the Internet Architecture Board, the World Wide Web Consortium, the Internet Society, and the five regional Internet address registries (African Network Information Center, American Registry for Internet Numbers, Asia-Pacific Network Information Centre, Latin America and Caribbean Internet Addresses Registry, and Réseaux IP Européens Network Coordination Centre).

In October 2013 Brazilian leaders announced that they plan to host an international summit on Internet governance in April or May 2014. The announcement came after the 2013 disclosures of mass surveillance by the U.S. government. The summit will include representatives of government, industry, civil society, and academia. At the IGF VIII meeting in Bali in October 2013 a commenter noted that Brazil intends for the meeting to be a "Summit" in the sense that it will be high level and will have authority enough to make decisions.

## 15. The Global Multistakeholder Meeting on the Future of Internet Governance, Sao Paulo

The Global Multistakeholder Meeting on the Future of Internet Governance will take place in São Paulo, Brazil on April 23rd and 24th 2014. This meeting will focus on crafting Internet governance principles and proposing a roadmap for the further evolution of the Internet governance ecosystem.

Prof. Virgílio Fernandes Almeida, Coordinator of the Brazilian Internet Steering Committee and Secretary for Information Technology Policy of the Ministry of Science, Technology and

Innovation, will be the Chair of the meeting. The Chair will shortly appoint co-chairs from other sectors of the global community to ensure multistakeholder balance.

Four committees will be created to ensure a successful event.

The **High-Level Multistakeholder Committee**, chaired by the Brazilian Minister of Communications Mr. Paulo Bernardo Silva, will be responsible for overseeing the overall strategy of the meeting and fostering the involvement of the international community. It will be composed of: Ministerial-level representation from twelve governments; twelve members of the multistakeholder community (3 from civil society, 3 from the private sector, 3 from academia and 3 from the technical community) to be proposed through /1net; and two representatives from International Organizations to be appointed by the Secretary General of the United Nations. The names of the members of this committee will be announced on Monday, January 27th 2014.

The **Executive Multistakeholder Committee** co-chaired by Demi Getschko and one more person to be proposed through /1net, will be responsible for the meeting agenda, the design of the meeting format and invitation of attendees, all equally balanced across the global multistakeholder community. It will be composed of the following eight Brazilian members through CGI: Maximiliano Martinhão and Benedicto Fonseca from government, Carlos Afonso and Percival Henriques from civil society, Cassio Vecchiatti and Henrique Faulhaber from the private sector, Flávio Wagner and Demi Getschko from academia and the technical community. Eight additional members from the global multistakeholder community will be proposed through /1net by Friday, January 17th 2014. The United Nations was invited to appoint one member from an International organization.

The date of the first meeting of the Executive Multistakeholder Committee will be Monday, January 27th 2014 in Sao Paulo, Brazil at the CGI office and remote participation will be facilitated.

The **Logistics and Organizational Committee** will be co-chaired by Hartmut Glaser (CGI) and Nick Tomasso (ICANN). Initially this committee will include three additional members one each from the Ministry of Justice of Brazil, the Ministry of External Relations of Brazil and one liaison proposed by the Steering Committee of /1net. This committee will be responsible for guiding all logistical aspects of the meeting including: media outreach, international communications, website design and management, awareness raising, meeting venue, traveler funding strategy, security, and remote participation.

The first meeting of the Logistics and Organizational Committee will be held on Monday, January 27th, 2014. In the meantime the two co-chairs are already engaged in laying the groundwork for the logistics of the meeting to ensure timely execution.
The last committee, the **Council of Governmental Advisors**, will welcome all government representatives interested to participate and contribute to the meeting. The High Level

Multistakeholder Committee will soon establish a process for the creation and operation of this Council.

To support the committees and operationalize their decisions, a Secretariat will be formed and headed by Daniel Fink who will be empowered as the Secretariat full-time Executive Director. The Secretariat, to be located in Sao Paulo, will be responsible for all aspects of management and operations to ensure the success of the meeting including: logistics, finance, risk, content contributions, and communications. The start date of the Secretariat operations will be Monday, January 27th 2014.

The official website for the meeting will be launched on January 27th 2014. The website will enable the global community to provide contributions for the substantive agenda of the meeting, which consists of the following two specific topics:

- Internet governance principles;
- Roadmap for the further evolution of the Internet governance ecosystem.

The roadmap should address the desirable properties for globally effective, legitimate and evolving governance frameworks. The roadmap should also encompass a path to evolve and globalize the current institutions and mechanisms, as well as address emerging needs.

# Part 2 - Principles and Roadmap

### 1. Expected Actions at Sao Paolo meeting

It is obvious that the two days meeting in Sao Paolo would not be expected to take any action, discuss or engage in creating solutions for specific topics such as security, privacy, surveillance, etc. but produce universal Internet principles and an institutional framework for multistakeholder Internet governance. The framework will include a roadmap to evolve and globalize current institutions, and new mechanisms to address the emerging internet governance topics and agree on a final declaration aimed to be concrete/practical, linked to Internet governance initiatives, and include next steps (agreed roadmap).

There are many discussions on-going with respect to next steps (the future of Internet Governance). One key question is the role of governments in Internet governance arrangements. A complaint often heard by governments is that they are confused and in fact they don't know their way around in the distributed Internet ecosystem and they think that nobody is dealing with public policy issues such as spam or cybersecurity or network security. To address this, there have been calls for building a new framework for evolved Internet Governance arrangements.

The key point is that there is a need for something new, be it an institution or mechanism; and to thoroughly review all possible options.

The options range from continued evolution (largely along the trajectories we see today - WSIS/Tunis Agenda, Enhanced Cooperation, and re vitalized/strengthened IGF, current institutions, increased outreach-) to an entirely new framework/institution/clearing house/help-line(s).

Various Internet Governance processes and events will be taking place this year, some in parallel streams; these events are expected to shape Internet policy in a substantial way. Apart from the Global Multistakeholder Meeting on the Future of Internet Governance, which are being take place in São Paulo, Brazil, on 23-24 April, other events include meetings organized by ICANN, the ITU, UN bodies (UNGA, UN Human Rights Council), the World Economic Forum, and of course, the 9th Internet Governance Forum in Istanbul in September 2014

Details of these events are summarized below for easy reference

- Brazil's Global Multistakeholder Meeting on the Future of Internet Governance, taking place 23-24 April in São Paolo, has a two-fold direct focus: IG principles, and a roadmap for the further evolution of the IG ecosystem.
- The 1Net initiative, resulting from the Montevideo statement by the I* set of organizations (ISOC, ICANN, IAB/IETF, IANA and the 5 RIRs and W3C), is an (online) discussion platform connecting various constituencies throughout the year(s). 1Net aims to contribute to major IG forums (starting with the Brazil meeting) with 'actionable collaborative solutions' on, most likely, topics related to the Montevideo statement: Internet operations and ICANN/IANA functions, surveillance, global IG multistakeholder cooperation and equal participation of all (including governments), dangers of fragmentation, and IPv6 deployment.
- ICANN's High Level Panel on Global Internet Cooperation and Governance Mechanisms, which is expected to deliver a report by the summer of 2014, seems to focus on the 'desirable properties' of the future IG process: ecosystem legitimacy, effective and inclusive consensus-based system, ensuring global participation including from the developing world, and the co-existence of various governance mechanisms (national and multilateral).
- CIGI and ChathamHouse's 'Global Commission on Internet Governance', as it seems from the address by its head, Swedish foreign minister Carl Bildt, and news coverage, should have a two-year mandate and primarily focus on state censorship, privacy, and surveillance, through online discussions and several meetings.
- The Geneva Internet Platform (GIP) will focus mainly on Geneva-based IG activities. It aims to assist diplomatic missions based in Geneva, international organizations, and other players in covering IG issues. The main focus will be in addressing the cross-cutting

aspect of IG beyond policy silos. The GIP will include both online activities such as capacity building programmes and diplomatic webinar briefings, and in situ sessions, briefings, and conferences like the one planned in Geneva on 19-20 June 2014, which will focus on the results of the São Paolo conference.

- The EU Global Internet Policy Observatory will be an online communication and database platform for knowledge and experience sharing across stakeholders worldwide. The GIPO should monitor IG policies, provide links across various initiatives, briefings, and reports on policy trends and processes.

At the basis, the UN's Internet Governance Forum, whose 9th global meeting will take place 2-5 September 2014 in Istanbul, Turkey, thematically covers the widest possible range of IG topics; the agenda of the annual event is shaped by the Multistakeholder Advisory Group (MAG) based on public input and will likely reflect the top trends raised in other forums as well. While it is a non-decision-making forum, the recent UN CSTD recommendations on the IGF improvements suggest moving towards more tangible outputs that can serve as 'messages' or non-binding policy recommendations – possibly akin to the IETF's 'Request for Comment' (RFC) documents on technological standards.

The CSTD Working Group on Enhanced Cooperation discussing the role of governments in the IG process, regular ICANN meetings, the global Freedom Online conference, the ITU World Telecommunication Development Conferences (WTDC) and its Plenipotentiary Conference, etc. On top of this, of course, the WSIS+10 Overview process, culminating with the WSIS+10 events in 2015 - all feeding into a global millennium development goals (MDG) review.

There should therefore maintain some coherence and harmonization in the activities currently being carried out in many for a as outlined above otherwise overlapping and duplication of works would undermine the objectives and roadmap to be established in Brazil's meeting

**Root Zones Immunity**

The root zone has been one of the most controversial issues in the internet governance debate. Since the first days of the World Summit of Information Society back in 2002, the theoretical possibility of removing other countries' domain names - by deleting the country's domain name from the Internet - has inspired many countries to criticize the USA's key role in the management of the root zone database. An overwhelming majority of countries argue that the root zone in an Internet as a global infrastructure should be managed by an international organization which is not under the control or jurisdiction of any single country. This argument is often framed as a question of sovereign equality, and fairness in international relations dealing with Internet One option could be making the server and root database inviolable, in particular from any national jurisdiction. This possibility opens the question of where the root server will be located to ensure immunity from any national jurisdiction.

One could also consider assigning root zone file immunity as part of a re-structured ICANN+ arrangement (making the new /re-structured ICANN an international organization which is the main these of the Brazil's meeting.

**Internet Governance architecture**

The hottest issue is how to achieve the right balance between *Internet functionality* (run by private sector and non-government actors) and the need for *legitimacy* (high involvement of governments). The new Internet ecosystem, as it is sometimes labelled, will be at the top of the agenda of the São Paulo meeting and undoubtedly other meetings during 2014.

**Human rights issues** will be another hot issue due to its relevance for the Internet business model, the discussion will be framed between two sets of human rights: freedom of expression and privacy/data protection. Both of them directly affect the Internet industry's revenues; the more data that is shared on the Internet, the higher the revenue.

**Data protection and cloud regulation**.

Some trends of data protection are the extent to which individuals can 'trade' their data (e.g. a more explicit arrangement between the Internet industry and users about 'buying' private data and the tendency of countries and regions to retain as much data as possible on servers located within their territories.

**Cybersecurity**

Cybersecurity **has** been a constant focus of digital politics. This includes discussions on achieving a balance with human rights issues (e.g. cybersecurity and the protection of privacy).

**Intellectual Property Rights**

Intellectual Property Rights **is** another area which stayed in the 'policy shade' in 2013. It is a structural issue of digital politics which is likely to re-emerge in 2014.

The above issues are among the hot points in further development of the new mechanism to be addressed in Brazil meeting, the principle of which to be included in the list of topics under "Principles"

## 2. Basic/ Fundamental Principles

2.1. Internet Governance should continue through a Multi Stakeholder Approach and An appropriate Model within that Approach should be studied, discussed and agreed upon;

2.2. Active Role of Governments in the Internet Governance, but not in an advisory capacity, needs to be recognized and duly taken into account;

2.3. Policy making aspect of Governance should be clearly separated from day -to-operation of the Internet;

2.4. The issue of accountability should be recognized and properly defined with a view that policy making aspects and policy implementation aspects be clearly separated from each other to the extent that the policy implementing entity(ies) be accountable to policy making entities;

2.5. International nature of the governance in which all stakeholder participate ,according to their role and responsibilities must be recognized so as no single government (s) retains any legacy or dominate that governance;

2.6. Freedom, privacy and human rights must be considered and recognized;

Other Principles including but not limited to the following should be carefully studied, examined, discussed and agreed upon. These are:

2.7. Functionality, security and stability;

2.8. The stability, security and overall functionality of the network must be actively preserved through the adoption of technical measures that are consistent with international standards and encourage the adoption of best practices;

2.9. Universality: Internet access must be universal so that it becomes a tool for human and social development, thereby contributing to the formation of an inclusive and nondiscriminatory society, for the benefit of all;

2.10. Legal and regulatory environments: The legal and regulatory environments must preserve the dynamics of the Internet as a space for collaboration;

2.11. Diversity: Cultural diversity must be respected and preserved and its expression must be stimulated;

2.12. Standardization and interoperability: The Internet must be based on open standards that facilitate interoperability and enable all to participate in its development;

### 3. Other Principles /Issues and questions

3.1. How International immunity for the root zone should be ensured?

3.2. Who will have the right to amend the root database?

3.3. How to achieve the new root zone arrangement?

3.4. Clearly define new/ restructured ICANNs role, if it is agreed to exist, in the Multistakeholder Internet Governance Model and the manner in which it should

function, including its core Management Team and their role and their election, taking into account the equitable geographical representation;

3.5. Review the existing ICANN supporting Organizations and examine the need for their functioning within the new / restructured ICANN, if any;

3.6. Define the role of Governments in the Internet Governance ecosystem?

3.7. What structure would enable wider Internet Governance participation to become true - independent "organization" versus "corporation?"

3.8. Define the meaning and application of equal footing;

3.9. Remove single government role;

3.10. Discuss the future of IANA, if it should continue to exist as it is or become responsible to the US Government only;

3.11. Examine Affirmation of commitments to expand to other governments or totally break it;

3.12. Clearly defined role of Governments and their modality of their participation;

3.13. Discuss the need for Governmental Advisory Committee (GAC);

3.14. Ensure that Internet Governance process is not dominated by large commercial players;

3.15. Improve policy processes that are predictable;

3.16. Establish an accountability entity to which the policy implementing entity be held accountable;

3.17. How to integrate and oversee the bodies responsible for technical and operational functioning of the Internet, including global standards setting?

3.18. What framework to be considered and agreed upon for tackling the hard political, technical, operational and social problems facing the Internet?

## 4. Objectives

Following possible objectives are outlined below for consideration by the meeting:

4.1. Agreement on the **need to Internationalized the Internet Governance;**

4.2. Agreement on the need that such Internationalized Governance to be performed with the **"Multistakeholder Approach"** to be used for Internet Governance;

4.3. Agreement on a **"Multistakeholder Model"** within the Multistakeholder Approach mentioned above;

4.4. Agreement on the **entities (**constituencies of the "Multistakeholder Model") to participate and jointly collaborate within the "Multistakeholder Model" mentioned above with equal footing;

4.5. Agreement on the **criteria** to be used in implementing the equal footing referred to in above;

4.6. Agreement on the distinction between "**Policy Making"** and **"Policy Implementing"** entities;

4.7. Agreement on the constituencies of "**Policy Making"** entity;

4.8. Agreement on the **Role of Government** in decision making Process;

4.9. Agreement on the constituencies of "**Policy Implementing"** entity;

4.10. Agreement on the need to make the **"Policy Implementing"** entity to be accountable to "**Policy Making"** entity;

4.11. Agreement on **the scope and nature** of accountably;

4.12. Agreement on the **Role and Legacy authority** with a view to reconsider the U.S. Government holds undue legacy influence and control over ICANN and the domain name system in relation with:

4.12.1. **"Policy Implementing"** entity and its constituency/ constituencies, including review and possible restructuring of the ICANN and its management, election and role of the Directors , review and decide on Supporting Organization, review the need or otherwise to maintain or disband the activities of IANA, review the need or otherwise of CAG;

4.12.2. "**Root Zone Servers and associated database immunity, their locations** and **agreement** on the **entity which has the right to amend the database**;

4.13. Agreement on the **Global Legal Framework** to be used in the Internet Governance;

4.14. Agreement on the need to **Ensure DNS Immunity**, the entity and location in which such immunity to be ensured;

4.15. Agreement on the **relevant issues associated with Principles** referred to in mentioned above;

4.16. Agreement on the **relevant issues associated with Other Principles** referred to in above paragraphs;

4.17. Agreement on the need to establish a **clear roadmap** to achieve the objectives of Internationalized Internet Governance;

4.18. Agreement on the need to prepare and agree on a possible outcome in form of a Report, a Declaration for submission to the WSIS+10 Review in 2015;

4.19. Agreement on the need to harmonize the activities with other existing entities dealing with Internet Governance with a view to avoid overlapping and duplication of efforts;

**4.20.** Agreement on how **to integrate and oversee** the **bodies responsible for technical and operational aspects;**

4.21. Agreement on the fact that there is a difference between the **"evolution"** and the **"use"** of the Internet which need also a different approach. The "evolution" is generally refers more to the technical Internet infrastructure and , the "use" is refers more to the public policy issues such as access, development, capacity building, and freedom of expression, intellectual property, privacy, security, cultural diversity, multilingualism and others;

4.22. Agreement on the fact that there are two separate functions: the **"forum function"** and the "**oversight function";**

4.23. Agreement on other issues;

## 5. Roadmap

5.1. The conference/ Meeting needs to established and agreed on a very clear and well defined roadmap on how to achieve the objectives determined by the meeting in respecting and implementing the above-mentioned principles;

5.2. It is obvious that the issue of globalization of Internet Governance using an appropriate "Multistakehiolder Model" within a "Multistakehiolder Approach"having so many stakeholders players with different status and respective roles and missions coupled with a an appropriate policy making entities and associated structure and composition in a transparent, democratic, inclusive manner each playing their respective role with equal footing as well as deciding on an appropriate Policy Implementing entity together with its relevant the required restructuring of the existing entity and its constituency in respecting several principles for their implementation and putting into operation is a quite complex task;

5.3. Two possible short/medium term and long term deadline could be discussed:

5.3.1. The short/medium term deadline needs to be seen within the WSIS+10 review outcomes to be endorsed by the United Nations General Assembly in 2015 .Between Brazil's Global multistakeholder meeting in April 2014 and the UNGA in 2015, there are other events that directly and/or indirectly address the Internet Governance issues such as WSIS+10 High Level review Meeting in June /July 2014, ITU Plenipotentiary Conference in Busan Republic of Korea in 2014 and UN General Assembly in 2015;

5.3.2. Long term deadline would be an issue to be discussed and agreed upon;

5.4. For the short/medium term period at least two additional meetings apart from the Brazil's meeting may be considered. One toward the end of 2014, after the ITU Plenipotentiary Conference ending Early November 2014 and another one before the UN General Assembly in 2015 with a view that the outcome of the third meeting (in form of Declaration, Report, Summary of Discussion or Recommendation )be contributed to the latter UN meeting;

5.5. For the long term period between one to two additional meetings apart from the mentioned under short term/medium term meeting may be considered. One after the United Nations General Assembly in 2015 (March-April 2016) and the second one, if necessary, toward the end of 2016. The long term (last) meeting should provide an agreed resolution of the matter;

5.6. Whether or not the end results are submitted to the United Nation General Assembly in 2017, is a matter to be further discussed and decided upon by the long term meeting;