Contribution from the Islamic Republic of Iran to The Global Multiskaeholder Meeting for the Future of the Internet, 23-24 April 2014 Sao Paolo, Brazil

- Area: COMBINED INTERNET GOVERNANCE PRINCIPLES AND ROADMAP
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Abstract

The Government of the Islamic Republic of Iran submits the attached contribution to the Global Multistakeholder meeting on the Future of Internet Governance scheduled to be held on 23-24 April 2014 in Sao Polo Brazil.This contribution contains two parts:- Part 1- Background information providing a summary of what has happened since 1998 the date on which ICANN (Internet Corporation for Assigned Names and Numbers) was established till the date on which the contribution is submitted.- Part 2- Principles and Roadmap.

Document

Set of Principles, Objectives 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;

For the full text of contribution, please download the attached PDF files.