Nominet submission on Internet Governance Principles and the Roadmap

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Abstract

We make some general comments about the development of principles and then look at the roadmap for the evolution of the Internet governance ecosystem from the viewpoint of a ccTLD. We look briefly at the advantages of the multi-stakeholder model and at the need to identify and develop consensus on the objectives for the ecosystem. We identify a key step in the further globalisation of ICANN and the IANA is in the development of accountability and trust in the model and suggest some practical considerations that should be addressed by the roadmap.

Document

Set of Internet governance Principles

We welcome the discussion on the development of a coherent set of international principles for the Internet. Such work should, where possible, use existing international principles and agreements, and not seek to apply a special framework for the Internet that could not be justified in the physical world.

Similarly, we should not seek to establish international Internet governance principles for

issues where there is already an accepted framework for such discussions.

Any framework of principles should be at a sufficiently high level and should be appropriate for international applicability: we should not try to solve national or regional issues through an international framework. A framework of principles needs to reflect true global consensus.

In particular, principles should not include what would more appropriately be addressed by guidelines, which are operational decisions, or which are too detailed or specific: this could constrain innovation and the framework would quickly become outdated.

This may lead to a limited number of agreed principles. However, if they are genuinely agreed, accepted and adopted, this will provide a better framework to guide the development of the Internet, and of Internet governance, than a longer or more detailed list that is mainly ignored.

Roadmap for the Further Evolution of the Internet Governance Ecosystem

We endorse the importance of multi-stakeholder engagement, which received global recognition through the WSIS process and which continues to provide a successful framework for the development and growth of the Internet. Since Tunis there has been considerable progress to improve and broaden engagement, and the model has underpinned the rapid uptake of the Internet and the work done in tackling barriers to Internet access.

We recognise that further work needs to be done to continue to improve engagement. The multi-stakeholder model continues to evolve in response to the changing Internet environment. The many organisations responsible for essential tasks associated with the Internet have developed engagement strategies appropriate to their needs, ensuring the greatest benefit from the partnership and cooperation relevant to their specific circumstances. We believe that the multi-stakeholder model will continue to develop and adapt to the changing Internet environment, but would caution against identifying a single model as the “correct” approach for all situations or all organisations: one size does not fit all.

The Internet Governance Forum, perhaps the most successful output from the WSIS process, continues to play a vital role in improving understanding of issues associated with the Internet. Those who have engaged actively in the IGF benefit from their involvement through the wealth of knowledge and support that their involvement unlocks: sharing information about good practice and solutions that have worked is an effective way of capacity building.

Again, we recognise the need for the IGF to continue to develop to respond to real

interests and needs: we believe that the IGF has shown remarkable ability to evolve over the relatively short period it has been in existence. This has been driven by the participants themselves and we welcome an approach that focuses on user needs and interests to shape the development of the IGF model.

We recognise the need for a roadmap for the further evolution of the Internet governance ecosystem and, in particular to maintain and develop global engagement and accountability. In particular, we welcome the reaffirmation in the I* Montevideo Communiqué, to accelerate the globalisation of ICANN and IANA functions towards an environment in which all stakeholders participate on an equal footing.

As noted above, the multi-stakeholder model to addressing the management of key Internet functions has shown itself as successful, resilient and open to evolution and, since the WSIS Tunis Agenda, it has developed significantly. However, we also recognise the importance of ensuring clear accountability between the organisations responsible for the essential tasks associated with the Internet and the communities that they serve. This is a vital step in the development of improved globalisation.

In particular, we would note ICANN's Affirmation of Commitment with the US government: the introduction of a regular review process was a major step towards increasing internationalisation of the organisation by making ICANN directly accountable to all its stakeholders.

The US Government currently does appear to have the final say, should ICANN not maintain reasonable processes of accountability and responsibility. A clear process to ensure that ICANN does meet its obligations is needed: we would be concerned if there were ambiguity about the legal jurisdiction for the company, given the policy, operational and contractual functions that it exercises.

We would welcome wider engagement in the AoC processes as an important step in developing this clear accountability.

We would also note the importance of improving stakeholder engagement between communities in ICANN. In particular, the role of the Governmental Advisory Committee and the way it works with other parts of ICANN needs to be addressed by the GAC in discussion with the wider community of stakeholders in ICANN.

The IANA function, carried out under contract to the US Government, is of particular importance to Nominet as a country-code top-level domain registry and, in the future, as a geographic community gTLD registry. Our interest is in that part which looks after the management of changes to the root-zone file. This is essentially an administrative and technical function, based on policy developed elsewhere (in ICANN, the IETF or ISO). However, it is a vital function and needs to be managed very carefully.

We were pleased to see the development of the current contractual arguments for the

IANA. In particular we welcome the increased transparency of the process and the emphasis on the management of the IANA as a service introduced in the recent contract between ICANN and the US Government. We also welcome the increased automation in the operation of the process, which allows the registry maximum autonomy in the management of its TLD. This opens the way to a direct relationship with the national organisation, without the involvement of other parties.

While current responsibility for the IANA is with the US Government, we would note the underlying commitment to the Tunis Agenda, and in particular to paragraph 63 that says that, "countries should not be involved in decisions regarding another country's country-code Top-Level Domain." We would interpret this as meaning that only the country served by a ccTLD should be involved. (In most cases governments do not feel any need to be involved individually or collectively in the operation of their ccTLD. However, ccTLDs, along with many of the new geographically-focussed gTLDs, have the primary duty of serving their local community.)

The circumstances associate with the IANA in relationship with ccTLDs does not lend itself to simple solutions – again, one single model does not fit all. There is ongoing work in ICANN on clarifying the policy basis for delegation and revocation of a ccTLD and this might provide a basic framework for administrative and technical decisions. This should make it easier to allow the manager of the IANA to be globally accountable for its stewardship and directly accountable to the registry and country in the case of a ccTLD.

In summary, we believe that a roadmap should:

· Identify and develop consensus on the direction of travel and objectives for the community for each of the organisations in the Internet governance ecosystem. This should include inter-governmental organisations like the ITU, as well as international organisations like ICANN and the RIRs. Multi-stakeholder engagement needs to be seen as the main process for developing and maintaining accountability, relevance and appropriate decision making.

· For the IGF, the processes of accountability and for developing the model are already in place and generally effective. Attention needs to be given to increasing engagement in the IGF and encouraging the development of national and regional structures to support this. Improving the funding model also needs to be a major priority.

· For ICANN, the basis processes for assuring wider accountability and transparency have been put in place in the Affirmation of Commitments. Widening ownership of, and engagement in, this process is important. Similarly, ensuring better processes for reaching consensus (while recognising the specific interests, responsibilities and accountability of different stakeholders) will be needed as we move forward, especially given the massive increase in the number of contracted parties in ICANN and the continued growth in the number of other stakeholders who are becoming more interested

and active in shaping the discussions.

· For the management of the IANA, developing improved globalisation in the management of the root-zone file is not a trivial objective, given the different relationships that exist. The ccTLD community needs to be closely involved in this process to ensure national as well as global accountability. A first step needs to be to reach consensus on the policy framework for the delegation and revocation of ccTLDs, work currently underway in ICANN's ccTLD community in close cooperation with the GAC.