ICANN 57: Summary of High Interest Topic Cross-Community Session – Internet Governance

To follow is a summary of the High Interest Topic (HIT) session held at ICANN57, Hyderabad (Monday 7 November, 2016).

This summary has been prepared by the independent ACIG GAC Secretariat for the information of ICANN's Governmental Advisory Committee (GAC).

It is **not** a formal record of the meeting.

Transcript and recordings from the session:
http://schd.ws/hosted_files/icann572016/cf/I57%20HYD_Mon07Nov2016-Internet%20Governance%20Public%20Session-en.pdf

Chair & Panel

This session was Chaired by Mr. Matthew Shears from Centre for Democracy & Technology. The panel were:

- Ms. Renata Aquino Ribeiro – EL Consulting

- Ms. Lousewies Van der Laan – ICANN Board

- Mr. Milton Mueller – Georgia Tech School of Public Policy

- Mr. Patrik Falstrom – SSAC

- Mr. Olivier Crepin-Leblond – EURALO Chair

- Mr. Jimson Olufuye – AfICTA Chair

- Mr. Nigel Hickson – ICANN Global Stakeholder Engagement

Summary of Discussions

The purpose of the HIT was to talk about Internet governance in the post-IANA transition period. The discussion was grouped around two questions and finished with a general opportunity for Q&A from the floor. Most of the discussion focussed on the viability of the multistakeholder model of decision making versus more traditional models and the tensions that this creates.

Question One

How has internet governance changed post the IANA transition and what are we likely to see in the next few years?

The consensus with respect to the first part of this question is that it is too early to tell if anything has actually changed post the IANA transition.

In relation to the second part of the question, the discussion centred around governments and their role in governance.

It was explicitly noted that all governments are under extreme pressure to stop crime, exploitation and terrorism. In their attempts to manage these social problems expressed on the internet (as well as in real life), they use the primary tool that is available to them – that of legislation. However legislation does not work beyond national borders and given that the internet is a borderless technology, there is an inherent tension that exists.

The challenge for the multistakeholder community is to maintain an open, interoperable internet, but in the absence of universal laws or even cultures, this is always going to be a challenge.

Multistakeholderism was defined for the purpose of the session as being a way of creating institutional frameworks for people to make policy across national borders.

New internet users are not coming from North America or Europe any longer. They are coming from the developing world. This is going to change the face and nature of the way that multistakeholder-ism works and also internet governance.

People around the world are trying to resolve these tensions using a number of international forums. ICANN is not the only one. It has competition. In the domain name space the ICANN community believes that it is the relevant forum for internet governance discussions. But many governments prefer to use the International Telecommunications Union (ITU) or the United Nations (UN) subcommittee to discuss and develop policy on issues such as such as geonames or country names because these forums represent the multilateral (as opposed to multistakeholder) decision making model they are used to working in.

Two current examples were cited where this type of internet governance discussion is ongoing, largely to the disapproval of the ICANN multistakeholder community:

1. At the World Telecommunications Standards Association meeting in Tunisia in late October (the week before the ICANN meeting in Hyderabad) there was a resolution to further adopt standardisation of the underlying domain infrastructure[1]. Some in the HIT saw this as a threat to ICANN's mandate to manage domain names and numbers – why is the discussion being brought to the WTSA table (a multilateral forum) rather than ICANN (a multistakeholder forum)? Isn't ICANN relevant any longer post-transition?

2. The UN have a Commission on Science and Technology for Development (CSTD). They have been asked to look at issues and problems such as cyber security and cyber crime on behalf of governments of the world. The next meeting of this group is in Geneva. It was proposed by the Swiss government to open up the meeting to other stakeholders (beyond the multilateral government discussion) but this was not agreed. Instead there will be a lunchtime side event for other stakeholders. To some in the HIT, this is another example of how governments tend to want to make agreements with one another in the interests of good public policy, they don't tend to work in a genuinely multistakeholder model.

However it is also true that the Commission have a Working Group on Enhanced Cooperation which is comprised of 22 UN Member states. It also has the following multistakeholder representation:

- Five representatives from the business community

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[1] to increase digital financial inclusion, promote affordable mobile roaming tariffs, and strengthen consumer protection and ICT service quality. Members have in addition called for ITU standardization to support the use of cloud computing to record event data from aircraft, vehicles and other connected machinery.

- Five representatives from civil society

- Five representatives from the technical community and academia

- Five representatives from the IGO-INGO community

The Commission is Chaired by Mr. Peter Major, who is also the GAC Representative for Hungary.

Question Two

Is the internet fragmenting?

Fragmentation, for the purpose of this discussion, was defined as "attempts by governments to assert authority over the internet in a way that imposes territorial jurisdictions upon it."

The question was debated "does sovereignty make any sense in cyberspace?"

An example of the strain created by the borderless internet on bordered social rules was preferred in relation to the 'right to be forgotten' online and its application to google. Several governments have legislated this right, including the French. But to apply it to a global search engine such as google is challenging. The French government only have the jurisdiction to implement the right on google.fr. But there are any number of other iterations of google (.com, .au, .ng, .uk etc) that could be used to find the information.

There was discussion that capacity building in these issues is needed across governments, civil society and business.

Open Floor

There were a series of speakers making statements that broadly were consistent with all of the points made above. A Mexican government spokesperson welcomed those who would be travelling to Guadalajara in December for the IGF.

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