

ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA  
(ESCWA)

**Internet governance:  
Main directions and priorities**

**ESCWA contribution to the  
Global Forum on Internet Governance**

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## **I. Introduction**

The Internet has evolved to become one of the most strategic resources essential for socio-economic development. Internet governance revolves around control and supervision of such a critical resource shared by the whole humanity. The debates related to Internet governance are another manifestation of the conflicts and contentions accompanying globalisation, which will not be resolved without clear vision and proper strategy formulation.

The Internet governance contention is inflated due to the fact that the global community is not in complete agreement as to what they want and what they do not want. Accordingly, the positions of the different stakeholders are in some cases oversimplified in the form of "with" or "against" the current system. To reach a rational problem formulation and accordingly an objective-driven strategy, the "black-and-white" oversimplification should be avoided. Accordingly, in this document, a prudent analysis of the situation and the different available arguments and viewpoints is offered, followed by the introduction of a recommended strategy.

This document constitutes a contribution to the ongoing global discussions regarding Internet governance, in this instance the Global Forum on Internet Governance, in order to reach an international consensus that would be beneficial for all. Accordingly, the document avoids repetition of information that are well known to the participants, can be found in the literature, or are sufficiently covered by other contributors. It considers the issues from a high level perspective in the form of a problem, alternative strategies for tackling it and a proposed strategy. Efforts are made to simplify the presentation of points of agreement and others of disagreement, wherever relevant, while focusing on priority messages.

## II. Analysis and evaluation of alternatives

### What is actually the nature of the "current system"?

Since it was the United States of America that commercialised the Internet in the early nineties, it is only natural to see it playing a major supervisory role in the management and coordination system of the Internet. In this regard, the current system includes several technical organizations (i.e. IETF, IANA, IAB, etc.) and is coordinated through ICANN. The most important organization of the current system is IANA, which oversees the allocation of Internet resources (root servers, IP numbers, and addresses) through regional organizations. IANA is under the supervision of ICANN which is a non-profit organization controlled by the US Department of Commerce (DOC) through a Memorandum of Understanding (MOU) between DOC and ICANN since 1998.

### Specifically, what is the nature of the contending viewpoints?

The complexity of the issue stems from amalgamating several dimensions of governance with several levels of opinions. For the purpose of this discussion, the different contentious positions can be categorized as follows:

- (a) All contending parties seem to agree that issues involved in Internet governance (such as rights of access, user privacy, national sovereignty, content, security and unlawful use, etc.) need to be thoroughly studied for the benefit of the global community and with the purpose to lowering barriers of wider dissemination of the Internet.
- (b) The majority of the global community views the current system of governance (policy-making and administration of resources) as being non-representative of the global community; and tightly controlled by the US Government.
- (c) Some view the system as being inefficient and/or unfair in terms of policy making.
- (d) Few consider the system as being inefficient in administrative and operational matters, although it seems to be improving in terms of operations in spite of being sometimes unfair in its allocation of resources, banning one country or the other.

Collectively, the two characteristics of "fairness" and "efficiency" are the main points of critique; these two parameters influence one another, and are believed to endanger the sovereignty of nations as well as to hinder further evolution of the Internet.

The symptoms of unfairness and inefficiency in the current system can be summarized as follows:

- (a) The US Government alone has a supervisory role over ICANN (and hence, IANA), which entitles the US a privileged position to direct and control the allocation of resources to certain countries;
- (b) ICANN is not *clearly* accountable to the global community; it is mainly accountable to US DOC; for instance, there is no MOU between ICANN and the United Nations entitling the latter organization some sort of supervisory role;
- (c) ICANN itself is a US non-profit organization, which according to American laws cannot enter into relations with countries on the US embargo list;

- (d) The present supervisory mandate of ICANN as a coordination mechanism does not clearly tackle sensitive issues related to content (like pornography, child abuse, unlawful use of the Internet, etc.)
- (e) ICANN does not only act as a coordinating body, but sometimes plays the role of a *regulator* as alleged by VeriSign recent lawsuit against ICANN<sup>1</sup>;
- (f) ICANN is not flexible enough with registrars thus hindering innovation and delaying the introduction of new services – refer to Verisign lawsuit;
- (g) The password for Country-Code Top Level Domains (ccTLDs) and management of the corresponding servers are not fully controlled by respective countries;
- (h) The response time for obtaining Internet numbers is sometimes very long;<sup>2</sup>
- (i) ICANN is sometimes reluctant to fulfil requests from country code managers before they sign an MOU with ICANN;
- (j) Very few countries in the world have agreed to sign such an MOU, thus hinting at ICANN's inability to extend its outreach to all regions of the world.

### **What are the prevailing alternatives?**

Due to the ambiguity of the whole issue, proposed alternatives varied widely<sup>3</sup>:

1. Some continue to debate the need and the structure of the sought governance: should it be "hard" governance or "soft" governance, or "no" governance at all?
2. Others believe that the whole organizational system should be *replaced* by another system representative of the global community;
3. Some think that ICANN should be *replaced* by another organization, preferably under the auspices of the United Nations;
4. Others feel that the whole system should stay "as is" since any change will *disrupt* the operation of the Internet and lead to *instability*.

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<sup>1</sup> [http://www.verisign.com/corporate/news/2004/pr\\_20040226\\_print.html](http://www.verisign.com/corporate/news/2004/pr_20040226_print.html)

<sup>2</sup> Some ESCWA member countries complain about delay in getting IP address, and the position of ICANN related to the allocation of Domain Names. In other countries, the process of obtaining IP numbers and domain names is going on more smoothly than it used to be; in fact, there is a perception that the service is getting better.

<sup>3</sup> For more details, the reader is referred to the following sources:

- ? Caslon Analytics cyberspace governance guide, <http://www.caslon.com.au/governanceguide.htm>.
- ? Issues paper on Internet Governance, Commission on E-Business, IT and Telecom, International Chamber of Commerce, January 2004
- ? <http://computerworld.com>
- ? Don MacLean, Background paper for the ITU Workshop on Internet governance, February 2004

## **Valuation of the prevailing alternatives**

The above-mentioned alternative strategies are not optimal for the following reasons – presented in the same sequence:

1. Since there seems to be a consensus on the need for Internet governance, the debate should focus on *how to* achieve it in a fair and optimal manner, regardless of the structure of the sought governance. Flexibility should be a key characteristic of any emerging structure since any realistic changes to Internet governance should be gradual.
2. Replacing the whole system by another one that represents the global community and fully abandoning the current system is not practical and may lead to market confusion, disruption of services, and disturbance of expertise in existing technical bodies.
3. Immediately replacing ICANN with another coordinating organization is also not advisable due to the fact that this move cannot be justified before the existence of an alternative competent body. Such a body cannot be competent enough to argue its right to replace ICANN without real on-the-ground expertise in coordinating Internet activities. Although this alternative cannot be completely ruled out in the long term, it is difficult to justify it in the short term.
4. Keeping the current system without any changes means unfair treatment to most countries and stakeholders, with many crucial issues remaining unsolved.

### **III. Proposed Strategy**

There is a multitude of viable courses of action, whose prioritisation needs to be conducted with clear objectives in mind. Only after prioritising viable courses of action, can a clear strategy be set. Based on the above rationale, this section presents the recommended strategy, summarized by:

*"Full-fledged participation and balanced supervision are the main elements for achieving fair representation and enhancing efficiency"*

The proposed strategy is based on giving the issue of "unfairness" top priority in the context of problem and solution formulation. Accordingly, the global community – through a collective mechanism – should plan to immediately and fully participate in the existing bodies encompassed by the existing system, and in particular in the operations of ICANN and IANA. It should also create a vehicle to exercise supervisory role over the existing system in order to make it fully accountable to the collective will of the global community.

#### **How to achieve full-fledged participation?**

The current Internet status was achieved through existing committees or organizations and is acceptable from an operational perspective but not from a strategic perspective. Efforts exerted by the US for Internet governance so far should be acknowledged. However, the following arguments need to be taken into account in order to achieve “fair representation” and accordingly be in a better position to achieve efficiency while maintaining stability:

- (a) Despite the fact that almost all developing countries are currently not fully ready to participate in Internet governance, their right to participate should not be eliminated; in fact participation is a means of acquiring new rights;<sup>4</sup>
- (b) As the involvement in the Internet governance process is contentious and would be debated for some time to come, the increased involvement of the global community in the technical management and coordination process will be a vehicle for participation in the high level functions of this governance;
- (c) Multilingualization and decentralization should be a strategic aim to achieve regional empowerment, fair representation and full participation;
- (d) Reforming accountability: instead of being restricted to one government, it is expanded to become accountability to the global community through balanced supervision.

#### **Immediate actions with short-term impacts to achieve accountability of the current system to the global community and balanced supervision:**

The vehicle through which global participation, fair representation, and balanced accountability may be fulfilled could be a new or existing body representing the international community. It is logical to assume that such an organization should be closely linked to the United Nations in order to induce and catalyse multi-regional participation in the whole process. The vehicle will be entrusted with negotiating a better position of the global community along the following two tracks:

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<sup>4</sup> “The limits and merits of participation” a paper by Paulo Vieira da Cunha and Maria Valeria Junho Pena.

- (a) The first track considers that the most important document that needs to be immediately reviewed is the MOU between ICANN and US DOC. Accountability to the global community and global supervision can be achieved if another MOU is negotiated between the United Nations or one of its agencies and ICANN to make ICANN accountable to the global community.
- (b) The other track aims at forging an MOU between the United Nations and IANA, through which IANA becomes accountable to the international community – via a certain vehicle to oversee the allocation of IP numbers and domain names – while ICANN continues to oversee IETF and IAB.

**Intermediate actions only achievable after balanced representation is achieved:**

- (a) An agreed upon “Internet Charter”:

Any proposed scheme for Internet governance has to be guided by an “Internet charter” based on the following principles:

- ? Broader participation of the global stakeholders and Internet community;
- ? A structure that distributes power instead of concentrating it, with one or two levels of hierarchy between the global community and those who have been entrusted with powers of governance;
- ? A mechanism for monitoring and controlling;
- ? Systematic and transparent procedure for the decision-making process;
- ? Better streamlining of existing processes for the allocation of resources;
- ? Balanced concern for content issues along with technical and administrative issues.

While the importance of formulating an “Internet Charter” is fully understandable, such a comprehensive document will naturally be debated for a long time before the great majority of countries agree to it. Even if a document of this sort is agreed upon, current “under-representation” of the global stakeholders in the mechanics of the existing system will remain a limiting factor hindering the enforcement of such an agreement on existing bodies that are not fully accountable to the global community or under its supervision.

Hence, the goal of “fair representation” will always be on the critical path towards achieving the ultimate goals of governance with or without a Charter. Therefore, it is better to direct efforts towards this priority objective of achieving fair representation and to avoid distraction by other detailed issues.

- (b) Enhancing efficiency of Internet administration and policymaking:

Enhancing efficiency of Internet administration without ensuring proper representation will neither guarantee fair management by the global community nor would it guarantee the sustainability of such efficiency. Furthermore, inefficiency does not represent a real threat to sovereignty of countries as the issue of fair representation does.

After fair representation is achieved, an optimal structure will evolve; efficiency and effectiveness of this governance will be enhanced gradually on the different levels (policy making, management, etc.). In other words, the efficient structure of Internet governance cannot be initially decided before enough involvement in management and operational systems is achieved.

**Immediate actions with long-term impacts:**

To avoid conflicts in the future accompanying the creation and deployment of “tomorrow’s Internet”, the following actions are essential:

- (a) The allocation of fixed shares of IPv6 numbers to the different countries should start immediately based on population and expected growth rates for the coming decade.
- (b) The establishment of a multi-stakeholders mechanism that is supported by the global community to be more involved in research, development, deployment and policy setting of the “next generation” Internet.

## **IV. Conclusions**

All stakeholders, through the proper channels, should be involved in the strategic planning and evolution of Internet governance. To unify the positions of the global community in reaching a common position, Governments are expected to form national e-governance committees to coordinate representation of their local stakeholders in the process. Private sector and ccTLD bodies should encourage their technical experts to participate in the technical management functions of the Internet. Relevant organizations within the civil society should play a role in creating awareness of Internet governance issues on the community level.

ESCWA and other United Nations Regional Commissions can act as a regional catalyst, by empowering all the stakeholders within their respective region to assume their duties in implementing the “fair representation” strategy through carrying out capacity building activities related to Internet governance on the regional level.

The subject of Internet governance is very contentious; with a broad scope that is expanding to involve controversial objectives, alternative strategies, and debatable priorities. This document is trying to maintain a sharp focus on identifying one high priority strategy in order to define those immediate goals having a long-term impact. It is, however, fully understood that the final output of the global debate will result in a multi-dimensional strategy that is expected to represent the overall collective wisdom of the global community.