

Role of Governments in Internet Governance

MEAC-SIG

Cairo 2018

The Internet Attracting Governments' Attention



Internet and Politics

- ▶ More attention from governments
 - ▶ Internet as powerful tool for communication, business, entertainment and socio-economic development
- ▶ Political forces shaping the future of the Internet
- ▶ Moving from
 - ▶ Technical problems to public policy issues
 - ▶ Technical administration to public policy regulations / Internet Governance
 - ▶ Sharing, openness, freedom of information, to secrecy and surveillance

Different Approaches

▶ Multilateral:

Governments are seen to possess the sovereign right to guide Internet policy and regulation, as they are the legitimate - elected - representatives of all actors within their respective nations

▶ Multistakeholder:

Relies on engagement of and collaboration among all stakeholders - seeking representation from governments, non-governmental organizations, the private sector, civil society, technical community, and academia

Different Multistakeholder Approaches:

- ▶ ICANN: Private Sector takes final decisions
- ▶ WSIS: Governments take final decisions
- ▶ IGF: No decision-taking
- ▶ NETmundial: Multistakeholder decision-taking (Rough Consensus)

Clash of Cultures

Multistakeholder	Multilateral
Stakeholders / Constituencies	Governments / States
Networks	Hierarchies
Code	Laws
Bottom-Up	Top-Down
Rough Consensus	Voting
Open & Transparent	Closed (sometimes with consultation)
Public Comment	Lobbying

Cyber-Coexistence or Cold Cyberwar

- Intergovernmental Treaty vs. Multistakeholder Collaboration
- Global and Open Internet vs. Nationalization and Fragmentation

Governments' Concern over Internet Governance



Reasons for Governments' Concerns over IG

- ▶ Decline in trust could undermine the strength of the Internet, leading politicians and regulators to be more skeptical of the Internet
- ▶ Increased evidence that more nations are developing capabilities to increase control over the Internet in response to concerns over terrorism and security
- ▶ Particularly with the rise of social media, the Internet has given rise to significant societal implications
- ▶ Problems sometimes reported by the public, asking politicians and regulators to “do something”
- ▶ As the global Internet has become part of the nations' critical infrastructure, governments are seeking to be at the table where governance decisions are being made

Implications of Governments' Concerns

- ▶ Many governments moving from positions focused on not regulating the Internet in support of its development, to increasingly interfering to mitigate emerging negative side effects
- ▶ Increased risk of more government control leading to less open and may be ultimately fragmented Internet
- ▶ Attempts by governments to create new laws and regulations for:
 - ▶ Protection of Intellectual Property Rights
 - ▶ Online Privacy and Data Protection
 - ▶ Taking down illegal online content
 - ▶ Combating fake news
 - ▶ NetNeutrality
 - ▶ OTTs

=> The need to develop harmonized national and global governance structures and regulations of this global infrastructure

Global Trends in the Internet Governance Ecosystem

- ▶ Increasing concerns about effectiveness and scalability of multistakeholder models
- ▶ Increasing geopolitical and technical risks of fragmentation
- ▶ Increasing pressure to integrate human rights, privacy, and law enforcement into governance mechanisms
- ▶ Increasing risks on security - both physical and cyber
- ▶ Increasing government intervention via legislation into the Internet ecosystem

Looking Ahead: 2020

- ▶ Forecasts
 - ▶ 5 billion Internet Users
 - ▶ Multilingual Internet
 - ▶ All kinds of converged services (Web 4.0)
 - ▶ Internet of Things
 - ▶ Beyond DNS?
- ▶ Challenges
 - ▶ Unification vs. Fragmentation
 - ▶ Open vs. Secure
 - ▶ Top Down vs. Bottom up management
 - ▶ Governmental vs. Commercial control
- ▶ Internet Governance will remain the subject of high level political controversy and it will be about Power & Money

Upcoming Events

- ▶ [High Level Panel \(HLP\) on Digital Cooperation](#) - convened by the UN Secretary General, mandated to look at cybersecurity and advance proposals to strengthen cooperation in the digital space among all stakeholders - final report in 9 months
- ▶ [ITU PP-18](#): 29 October - 16 November 2018 in Dubai, treaty making assembly, meets every four years, defines ITU scope and constitution, elects leadership, and passes Resolutions
- ▶ [ICANN63](#): 20-25 October 2018 in Barcelona - Annual General Meeting - High Level Governmental Meeting
- ▶ [Global IGF 2018](#): 12-14 November 2018 in Paris, hosted by the French Government at the UNESCO headquarters, and preceded by the Peace Summit for 100th anniversary of WWI armistice on 11 November
- ▶ [3rd Global Conference of the Internet & Jurisdiction Policy Network](#): 3-5 June, 2019 in Berlin, annual conference, advancing dialogue on cross-border jurisdiction issues, focusing on 3 pillars: Data, Content and DNS

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light to dark, creating a modern and professional aesthetic.

Thank You ...

Questions ?

ICANN's Governmental Advisory Committee (GAC)

An example of Governments' participation in a multistakeholder setup

About the GAC

- ▶ [Governmental Advisory Committee \(GAC\)](#)
- ▶ Established in 1999
- ▶ The voice of Governments and Intergovernmental Organizations (IGOs) in ICANN's multi-stakeholder structure
- ▶ Provides advice to ICANN Board on issues of public policy

GAC Membership

- ▶ GAC membership comprises:
 - ▶ 177 governments as members
 - ▶ 36 Intergovernmental Organizations as observers
- ▶ Members and observers participate equally in all discussions
- ▶ Only members are eligible to voting (*normally takes place only during elections*)

GAC Leadership

- ▶ Chair elected by members
- ▶ Up to 5 Vice Chairs elected by members
 - ▶ Vice Chairs are to be from different regions, to the extent possible
- ▶ Chair-Vice Chairs (CVC) are collectively referred to as [GAC Leadership](#)
- ▶ The term of the Chair is 2 years - max 2 consecutive terms
- ▶ The term of a Vice Chair is 1 year - max 2 consecutive terms
- ▶ GAC leadership elections in Barcelona

GAC Support

GAC Support is provided by:

- ▶ ICANN support staff
- ▶ Independent secretariat provided by ACIG, funded by some GAC members
 - ▶ Services of the independent secretariat will end after the Barcelona meeting in October, 2018
 - ▶ GAC is forming a working group to issue a new tender and look into funding sustainability

Role of the GAC

What does the GAC do?

Key Role of the GAC

- ▶ Provides advice to ICANN Board per ICANN Board request or on its own initiative
- ▶ Provides advice on issues of public policy, especially where there may be interaction between ICANN's activities or policies and national laws or international agreements

GAC Advice

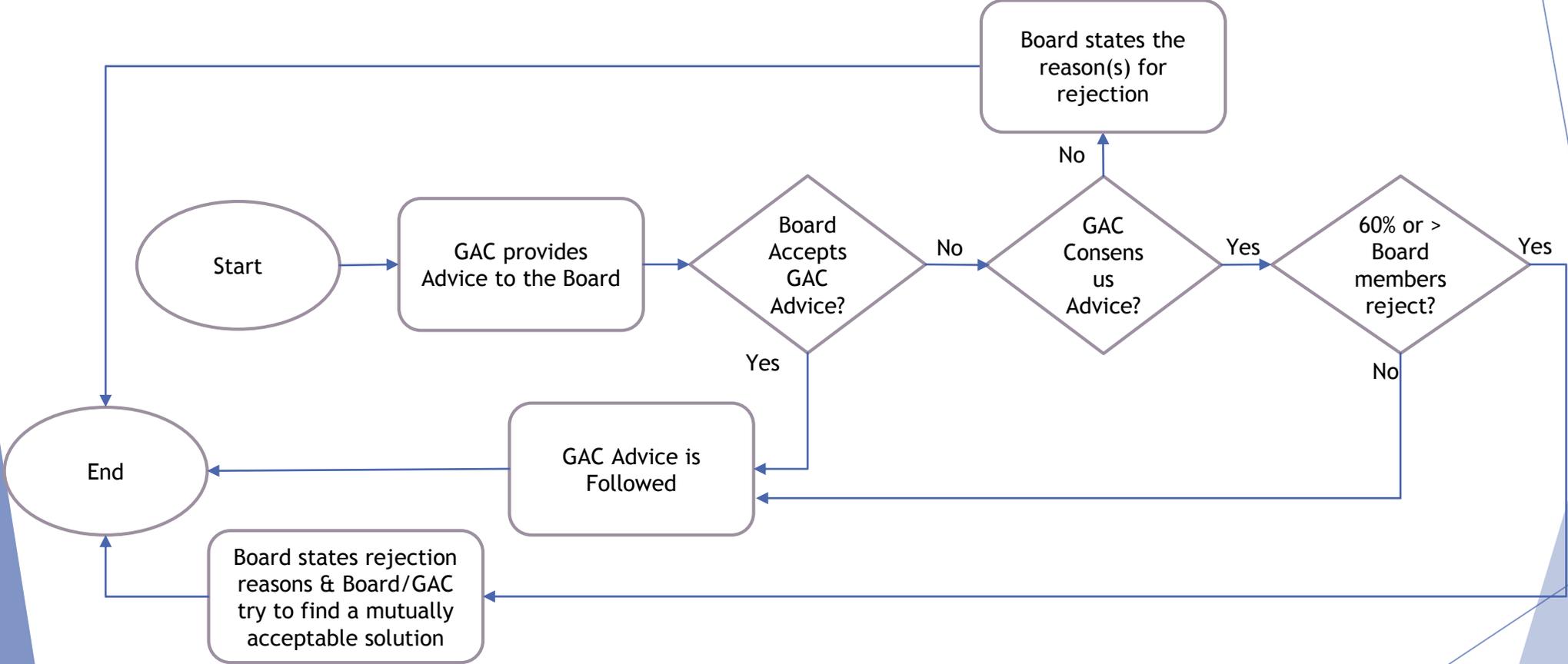
- ▶ Usually conveyed, in accordance with the [GAC Operating Principles](#), in the form of a communiqué issued at the end of each GAC meeting (sometimes also in the form of a letter, overarching principles, and/or issue papers)
- ▶ Duly considered by the Board in accordance with [Section 12.2 \(a\)\(x-xi\) of the ICANN Bylaws](#).
- ▶ The GAC works to provide “GAC Consensus Advice”
“understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection”

Expected Reaction of the Board ...

“Bylaws Section 12.2(a)(x): The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the Board determines to take an action that is not consistent with Governmental Advisory Committee advice, it shall so inform the Governmental Advisory Committee and state the reasons why it decided not to follow that advice.”

Any Governmental Advisory Committee advice approved by a full Governmental Advisory Committee consensus, understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection (“GAC Consensus Advice”), may only be rejected by a vote of no less than 60% of the Board, and the Governmental Advisory Committee and the Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution. The Governmental Advisory Committee will state whether any advice it gives to the Board is GAC Consensus Advice.”

GAC Advice to the Board ...



Working Methods

How does the GAC work?

Operating Principles

- ▶ The GAC sets its own Operating Principles (GAC OP)
- ▶ Current Operating Principles dates back to 2011
- ▶ Slightly amended in Buenos Aires in 2015 to allow for 5 Vice Chairs
- ▶ Slightly amended in Johannesburg on June, 2017 to allow for electronic voting
- ▶ Overall GAC Operating Principles are currently under review

GAC Meetings

- ▶ GAC prepares for meetings inter-sessionally
- ▶ Agenda & Briefs are circulated and posted online in advance of the meeting
- ▶ The GAC meets face-to-face three times a year in conjunction with ICANN meetings
- ▶ All GAC meetings are open by default (*GAC can hold closed meetings if deemed necessary*)
 - Real-time interpretation in 6 UN languages + Portuguese - Real-time captioning - Remote participation - Recording of the meetings
- ▶ The GAC produces a Communiqué at the end of each meeting
- ▶ Communiqué, meeting minutes, transcription and recording of all open meetings are posted online

GAC Internal Working Groups

GAC Working Groups (WGs) :

- ▶ Created, as deemed necessary
- ▶ Focus on particular areas either related to substance or administrative issues
- ▶ Each has an agreed Terms of Reference
- ▶ Leads and participants are volunteer GAC members/observers
- ▶ May have a dedicated mailing list, separate f-2-f meetings and/or their own conference calls
- ▶ Provide necessary briefs before f-2-f meetings and provide regular reporting to GAC plenaries
- ▶ Some are ongoing while others have specific life span and are closed as soon as they achieve their mandate

GAC within the Broader Community

- ▶ Bilateral activities with:
 - ▶ ICANN's Board
 - ▶ The Generic Names Supporting Organization (GNSO)
 - ▶ The Country Code Names Supporting Organization (ccNSO)
 - ▶ The At-Large Advisory Committee (ALAC)
 - ▶ The Security and Stability Advisory Committee (SSAC)
- ▶ Community-wide activities:
 - ▶ GAC Participation in Policy Development Processes (PDPs)
 - ▶ GAC participation in cross community efforts (sessions and WGs)
 - ▶ GAC Participation in Specific Reviews

Empowered Community

GAC post IANA Transition

Empowered Community

Empowered Community (EC) is the mechanism in new ICANN Bylaws through which the community is empowered to exercise nine powers to make ICANN accountable:

1. Reject an ICANN or IANA Operating Plan/Strategic Plan/Budget,
2. Approve a change to Fundamental Bylaws and ICANN's Articles of Incorporation,
3. Reject changes to Standard Bylaws,
4. Remove an individual Board Director,
5. Remove the entire Board,
6. Initiate a binding Review Process or a Request for Reconsideration,
7. Require the ICANN board to review its rejection of recommendations from reviews relating to PTI
8. Reject Public Technical Identifiers (PTI) Governance Actions, and
9. The rights of inspection and investigation.

Decisional Participants

- ▶ The GAC is a Decisional Participant
- ▶ The GAC has formal obligations under the [new Bylaws](#) to :
 - ▶ receive and initiate petitions,
 - ▶ participate in the conduct of community calls and forums, and
 - ▶ support, reject or abstain from a collective exercise of one of the new powers
- ▶ The community communicates its decisions through [EC Administration](#)
- ▶ EC Administration is made up of chairs or representatives of Decisional Participants of ICANN Supporting Organizations / Advisory Committees (SOs/ACs)
- ▶ The GAC agreed to be represented by its chair temporarily until GAC discussions are finalized

General Principles for GAC Participation

- ▶ Adopt flexible approach and make changes as necessary
- ▶ Have a clear, consistent, predictable and transparent process in taking and documenting decisions
- ▶ Engage in issues with public policy implications
- ▶ Participate in early stages, with a view to assisting resolution of the issue
- ▶ Approach each case on its merits

Barcelona ICANN63

GAC Agenda highlights

Key GAC Agenda Items

Substance:

- ▶ High Level Governmental Meeting (HLGM)
- ▶ European General Data Protection Regulation
- ▶ IGO-INGO Access to Curative Rights Protection Mechanisms
- ▶ New gTLD Subsequent Procedures - Work Tracks 1-4 & Work Track 5 on Geographic Names
- ▶ Release of 2-Characters Country Codes at the Second Level
- ▶ Agreement on GAC position as a Chartering Organization on Accountability CCWG-WS2 Report

Key GAC Agenda Items

Administrative:

- ▶ Elections
- ▶ Independent Secretariat
- ▶ GAC Operating Principles
- ▶ Action Request Register
- ▶ Onboarding for GAC new members

Role of Governments at the National Level



Role of Governments

- ▶ Stay informed and up-to-date
- ▶ Establish channels with all Stakeholders
- ▶ Come up with any message or national stance on topics of interest
- ▶ Reach out and coordinate at all relevant levels
 - ▶ Within the Ministry or Authority at the different seniority levels
 - ▶ Across the government, i.e. with other relevant ministries or authorities
 - ▶ Among the different stakeholders
 - ▶ Regionally - on topics of regional interest
 - ▶ Globally - among like-minded countries

Challenges

- ▶ Internet dynamics vs governments working methods/pace
- ▶ Different national priorities
- ▶ Required time to reach consensus
- ▶ Need for continuous participation
- ▶ Lack of resources (staff - time - financial means to attend all meetings)
- ▶ Language barrier
- ▶ Complexity of issues

Opportunities

- ▶ Provide advice to the ICANN Board on public policy aspects of the operation of the Internet Domain Name System
- ▶ Contribute at an early stage of ICANN's policy development processes to ensure consistency with laws and public interest
- ▶ Access to face to face meetings and online discussion with other GAC members and observers
- ▶ Access to material and relevant subject matter experts within the GAC and across ICANN
- ▶ Remain informed about technical innovation in the domain name system and its future evolution

How Governments can get involved

- ▶ GAC Website:

<https://gac.icann.org>

- ▶ GAC Newcomers page:

<https://gac.icann.org/display/gacweb/Newcomers>

- ▶ GAC Underserved Regions Working Group:

<https://gac.icann.org/display/gacweb/GAC+Underserved+Regions+Working+Group>

- ▶ GAC Working Groups:

<https://gacweb.icann.org/display/gacweb/GAC+Working+Groups>

- ▶ GAC staff support:

gac-staff@icann.org

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light to dark, creating a modern and professional aesthetic.

Thank You ...

Questions ?