The NTIA announcement of its intent to pass on its role of oversight to the Global Stakeholders not as a first step, but perhaps could be viewed as one of the conclusive steps in the process of privatization of the DNS as outlined by the U.S. Government in 1997. This comment takes note and calls upon all Stakeholders to take note of the original intent as published in the Statement of Policy dated June 10, 1998:

An increasing percentage of Internet users reside outside of the U.S., and those stakeholders want to participate in Internet coordination...[ICANN] should ... have a board of directors from around the world....The Internet community is already global and diverse and likely to become more so over time. The organization and its board should derive legitimacy from the participation of key stakeholders.

It is reassuring to find continued commitment to the idea of involving all stakeholders in this call to the Internet Corporation for Assigned Names and Numbers (ICANN) to convene global stakeholders to develop a proposal for coordination of the Internet’s domain name system (DNS) without the NTIA oversight; NTIA is commendable in its position NOT TO ACCEPT any proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution.

Participants from the Internet Society India Chennai expressed by remote intervention during the NETmundial Global Multistakeholder Meeting at Brazil, repeated as below for reaffirmation:

We would like to emphasize that the future of Internet governance should be determined by multistakeholder deliberations and not by multilateral approach. We believe that the idea of multilateral governance for Internet should be dropped by Governments.

With a view to address the root cause of stakeholder differences on ICANN’s proposed process of transition and the process to discuss the process, it is necessary to go beyond the scope of the discussion on Transition, only to point out the solutions to the hurdles for the Transition exercise in focus:

1. There is enormous value in continuing with the multistakeholder model for Internet Governance. Multistakeholder model, if understood well, would be hailed as evolution of Democracy to a elevated level. Far sighted Policy makers in Government would see the long
term rewards of embracing the Multi-Stakeholder model, if ICANN reaches out to all
Stakeholders at all levels to define and promote this model of Governance with greater clarity,

2. Views arise from Governments that tend to favor more of a Multilateral framework to displace
the Multistakeholder model. These views are reflected in proposals to create a “legislative
authority”, to make Internet Governance “representative” and “democratic”. To quote from the
response on the list by Brian E Carpenter of the Internet Architecture Board:

the Internet has succeeded brilliantly without [a legislative authority] … one can hardly be against
the principle of representative democracy for individual countries, running it on a global scale with
several billion voters is not an option. So we arrive at the multi-stakeholder approach … as a
solution.

3. There are aspects of Core Internet Values that are misunderstood even by very well
educated Intellectual Property Lawyers, because of specialized phrases in use such as
“Permissionless Innovation”. This further emphasizes that greater clarity needs to be imparted to
all Stakeholders on the underlying values of the inherent architecture of the Internet, which is so
well understood by the Internet Technical Community, but that which the Community hasn’t
sufficiently 'translated' for the benefit of the Global user.

4. Such an effort could go along with ICANN’s efforts to extent the process to all stakeholders,
in tune with suggestions from stakeholders to make the process more inclusive and global.
These proposals to make the process more inclusive, especially requires a focus to include a
wider section of Civil Society Stakeholder from around the world. The merits of the Internet as a
Open and Universally accessible, end-to-end architecture, the multistakeholder model and the
several positive points related to ICANN governance needs to be imparted with the required
lucidity to the Global Internet Users in a manner that the fundamental good ideas reach the public
consciousness. This would bring in more participants to the table with clear understanding of
the merits and positive aspects of the multistakeholder model of Governance, for a greater
balance.

5. This requires scaled up effort, especially if adverse notions, borne out of misunderstanding
or caused by propaganda, are to be effectively dispelled for the good of the Internet.

The process of transition and the process to discuss the transition essentially could be smoothly
carried out by ICANN if it takes the required time and effort to reach out globally to create the
necessary understanding of the several positive points, with assurances that the concerns of all
stakeholders are constantly being addressed by the participative processes of improving
Accountability and Transparency of the Institution.

The announcement on U.S. Government’s intent to step aside from its role of oversight could be
more effectively received, if the underlying Long Term tasks are separated for Continuous
improvements over a period time from the short term tasks. NTIA announcement positively acknowledges:

ICANN as an organization has matured and taken steps in recent years to improve its accountability and transparency and its technical competence.

This implies that the US Government’s intent to relinquish its role of oversight is prompted by the satisfactory progress that ICANN has already made in recent years, and by extension NTIA might agree that ICANN has so far honored the four principles it has laid down already. So, in the short term, ICANN could continue in its role, with the only difference being the absence of NTIA’s role of oversight, perhaps even with an Observer seat in the Governmental Advisory Committee.

The four principles laid out in the announcement might require Work to be carried out over a longer period of time, especially because the discussions require with wider participation which takes extensive outreach efforts and complex discussions with clarity of core concepts and a positive understanding of the inherent goodness of this governance process and the progress made.

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