Report for the workshop on
National Internet Governance Mechanisms - Looking at Some Key Design Issues
held at the seventh Internet Governance Forum, Baku, Azerbaijan, November, 2012

The workshop on "National Internet Governance Mechanisms - Looking at Some Key Design Issues"[1] was organized by the following entities;

> Centre for Internet and Society, India
> Brazilian Internet Steering Committee
> Institute for System Analysis, Russian Academy of Sciences
> Centre for Community Informatics Research, Development and Training, Vancouver
> Instituto NUPEF , Brazil
> IT for Change, India

The workshop was chaired by Micheal Gurstein of Centre for Community Informatics Research, Development and Training, with the following panelists:

> Carlos Afonso, Brazilian Internet Steering Committee
> Byran Holland, Canadian Internet Registration Authority
> Susan Chalmers, InternetNZ, New Zealand
> Pranesh Prakash, Centre for Internet and Society, India
> Tapani Tarvainen, Electronic Frontier Foundation,Finland

Micheal opened the discussion by laying out the context of the workshop. He said that the Internet has emerged as a kind of unique public resource and different strategies have been tried at national levels in different countries to manage Internet in public trust, or as a public commons. More specifically, the technical management of Critical Internet Resources has seen many different and innovative approaches. Different kinds of multistakeholder models that have been employed in different places are of special importance in this regard.

Michael also noted that the Internet Society had recently come up with a research study on the same subject which can serve as an important resource material, He then asked the panelists to briefly relate their experience with national Internet governance mechanisms in their country, focusing on the following questions.

- How should the national commons of Internet resources be managed?
- Why do you think this is the appropriate strategy for management of these resources at the national level?
- What kinds of mechanisms are appropriate for technical matters, what for those that are partly technical and partly social, and what for larger public policy matters, requiring more political responses?
- Should there be a common single mechanism to address all the above kinds of issues, or

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[1] The full transcript of the workshop proceeding is available at
http://wsms1.intgovforum.org/sites/default/files/06%20Nov%202012%20IGF%20WS%20176.doc .
The original workshop proposal can be found at http://wsms1.intgovforum.org/content/no176-national-ig-mechanisms-%E2%80%93-looking-some-key-design-issues .

different ones? How to coordinate different mechanisms, and different parts of the national governance machinery dealing with different aspects or kinds of IG issues?
- How to ensure meaningful participation of all stakeholders in a manner that focuses on public interest?
- How (or should) the surplus from domain name registration fees etc collected by national IG agencies be employed for public interest purposes, especially, for taking up Internet related research.

Byron Holland of the Canadian Internet Registration Authority (CIRA) went first. He said that since CIRA operated the country code registry and the domain name infrastructure under it, much of the work done was highly technical. However, they were also closely involved with various policy levels, both at the domestic and international level. Byron said that although delegation of .cc registration power flows from the government as in many countries, the Canadian government has a very light touch role in the system. CIRA was set up as a not for profit corporation after intense consultations with the Internet community in Canada. The manner in which the election to the board takes place, whereby almost anyone from the Internet community can come in, is crucial to the legitimacy of CIRA.

Byron then described how the Canadian Telecom Regulatory Agency has begun to take some Internet related decisions. However, its role remains light-touch, and very much issue specific. Recently, a new chairman of the CTRA has begun to take a more activist pro-consumer role. In all this, CIRA remains a neutral independent expert member of the ecosystem.

Next was Carlos Afonso from CGI.Br, the organization managing the Critical Internet Resources in Brazil. Carlos started by pointing to the similarities between the mechanisms in Canada and Brazil. In both these countries any applicant for domain names under the country code had to prove citizenship. He stressed how .Br is regarded as the identity of Brazil on the Internet. Carlos then briefly described how the Internet came to Brazil through the efforts of some NGOs and researchers, with the help of some government members from the Ministry of Science and Technology. And then a mechanism for managing critical Internet resources begun to be assembled. In 1995, CGI.Br (Brazilian Internet Steering Committee) was set up as a commission with members from four stakeholder groups. At that time, even non-governmental members of CGI.Br were nominated by the government. However, Internet activists were able to get an important decree whereby the Internet layer, transport layer and application layer were all considered to be value-added services and thus beyond the purview of the telecom regulator. This arrangement still stood. Later, when Lula was elected to power, CGI.Br shifted to an arrangement whereby each stakeholder constituency begun to directly choose its representatives on the commission.

Susan Chalmers of InternetNZ spoke next. She described how the delegation of .nz did not flow from the government and InternetNZ was directly recognized by ICANN to run the .nz registry. InternetNZ had two subsidiary companies, the Domain Name Commission, dealing with all the policy related and dispute resolution work, and the New Zealand Registry Services, which managed the technical functions. The Governing Council of InternetNZ is elected by the membership of InternetNZ. There is an open membership policy and anyone can become a member. Till about two years ago, InternetNZ had a very narrow ambit, largely related to technical policies, with some involvement in broadband and competition issues. However, its now ambit is being broadened; for instance, it has been doing some copyrights related work lately, Government also consulted it on issues related to World Conference on International Telecommunications.

The next speaker was Pranesh Prakash of the Centre for Internet and Society in India. He approvingly

referred to the comment he had heard at the conference the previous day that perhaps too much of discussion on enhanced cooperation was focused on critical Internet resources. While management of critical Internet resources is already decentralization, Internet governance related to larger public policies is not, although there is no technical reason that it cannot also be decentralized. As to how the national commons of Internet resources should be managed, these resources exist at multiple levels, and therefor there cannot be one answer to the question. Describing the situation in India, Pranesh said that the main player in managing the critical Internet resources was the National Internet Exchange of India, or NIXI, which was set up in 2003 as a private corporation by the Government if India. Now, NIXI also runs the country code, .in, registry, which was earlier managed by an government agency. However, most of technical functions are outsourced to companies like Afilias. Regrettably, there is no real public participation in the processes of NIXI. There is some participation, like in handing our some research grants, but that too did not follow any proper process. Lack of any public participation was specifically evident when the important decision to make NIXI the National Internet Registry was taken in an entirely opaque manner. This raises the issue if NIXI is indeed truly independent from the government for it to be the National Internet Registry. Pranesh then brief mentioned some early efforts at the global level, like the Internet Social Task Force which was set up by ISOC in 1997 as a complement to the Internet Engineering Task Force, towards finding new ways to govern the Internet, even in non-technical areas.

Tapani Tarvainen of Electronic Frontier Foundation of Finland spoke next. He mentioned that the Internet came to Finland from universities, where he also had been working. The country code registry for .fi is run by Communication Regulatory Authority, which is a proper government agency. However, in practice this agency is quite independent, and there is not any kind of heavy-handed approach. Like in Brazil, domain names can only be taken by citizens, or companies with a branch in Finland. So, it is really a government run show with a lot of consultation, but it seems to work. Finland is a small country with a lot of lateral communication going on, as was evident in case of IDNs being introduced. It is the Ministry of Foreign Affairs which has organized a Finnish Internet Forum for some years now, with participation from civil sobriety and industry. This ministry is also the main government participant from Finland in the UN IGF, with some representation from some other ministries. As for the question how the surplus from .fi domain name registration fees should be used, the current practice is to keep dropping the price of registration, which seems to be the best approach to take.

The discussion was then thrown open to comments from the floor. A participant from Ukraine observed that there was no process of consultations on Internet governance issues in her country. They had no idea about the government's positions on various international issues. She wanted to know how her organization can directly participate in global and European level forums.

Next a participant from India described how they had organized a multistakeholder India Internet Governance Conference which was a very fruitful experience. Getting involved in IG discussion in India is still really a challenge, for instance, there being a few different departments dealing with IG issues. She was impressed with how a so much better balance among different agencies and interests had been achieved in the Canadian system.

At this stage David Souter presented a framework for assessing national ICT environments that he has developed for ISOC. They had done a pilot study in Kenya in this regard. The assessment framework divided issues in categories of technical and public policy, with further sub-categories.

Another participant from West Africa described how they did an exercise of assessing IG issues and venues of participation in the small country of Togo. The exercise looked beyond technical actors to

include participants from many other social and developmental spheres. Future scenario building exercise was also done to assess what IG issues are expected to become important.

A participant from Cote d'Ivoire described how Internet came to her country in times of post civil war crises, and how it was taken up by citizen groups as a tool for peace. Government also seems to have begun to understand that as the Internet is taken up by citizens it can have a great influence on policy making and other processes of governance.

A participant from India proposed that, for the purpose of designing appropriate national IG mechanisms, national level issues be seen separately in the categories of technical issues on one side and larger public policy issues on the other. And among public policy issues too there are some issues that are largely the domain of one department or ministry and other issues which are spread across several agencies.

In closing the discussion, panelists were asked to make final comments. Byran Holland said that the best thing about the CIRA was its diverse, multistakeholder board, with also a government nominee on it. And it is through doing things well that CIRA gets its legitimacy, which also helps them do things other than just running the national registry. CIRA holds an annual Canada Internet Forum as a space for dialogue on various Internet governance issues. Carlos Afonso spoke about how CGI,br was constituted by a decree and not by law which could make the system more stable. Also perhaps there were too many government members at present. The good thing is that Internet registry service ensures a lot of surplus finds which allows CGI.Br to do a lot of additional things like research, statistical work, security, running a W3C office and so on.

Susan Chalmers said that InternetNZ has organized two national IGFs which they call as NetHuis. She said that in New Zealand, the public and the media are very vigilant and therefore it is not only legal controls but also the public opinion that constantly weighs upon them to perform, and to perform well. At this point the Chair, Michael Gurstein, comment how, a few years earlier, InternetNZ had played an very important role in developing New Zealand's digital strategy. A participant from the US said that she was quite conversant with the activities of InteenetNZ, and these were really very widespread. At this point Carlos Afonso explained how their position at the World Conference on International Telecommunication was informed by the national level struggle to protect the Internet from predatory telecom regulation.

A participant from India said that while things are somewhat looking up now in India, most consultative processes are still only so in appearance, and calls for consultation do not go wide enough. Another participant, also from India, highlighted the importance of access to Internet through cyber-cafes for a country like India. He argued that cyber-cafes should be recognized as a distinct stakeholder category in Internet governance discussions.

The chair, Michael Gurstein, then summed up the discussion. He said that the problems of appropriate management or governance of the Internet at the national level are especially complex and acute for developing countries. In these countries, while institutional development is still poor, the range of issues that are implicated are rather huge, as have been touched upon by many participants. He left the participants with this question; how much should those responsible for the management of Internet resources see themselves as not only the custodians of the public trust in the Internet, but also the stewards of the public Internet and the proponents of the public Internet in the sphere of the infrastructure, in the policy making, and, generally, in the process of enabling citizens and communities and individuals to be more active and participative in the Internet?

In the end, the organizers of the workshop expressed the desire to keep this very important dialogue on national IG mechanism sgoing in the next IGF. If possible, some kind of detailed documentation on different models and their relative advantages and disadvantages may be developed which could serve as a resource material for further discussions.