CSCI 1800 Cybersecurity and International Relations

Internet Governance

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Outline

• Brief history of Internet governance (IG)?
• What models for Internet governance exist?
• The UN takes an interest in the Internet
• Internet layers shape governance
• An attempt by the ITU to control IG
• Snowden’s impact – US gives up control of ICANN
• A close look at multi-stakeholder governance
• How should the Internet be governed?
What is Internet Governance (IG)?

- The word governance derives from the Latin word “gubernare,” to steer a ship.
- IG is concerned with technology, social norms, decision-making procedures, and design of institutions to “steer” the Internet.
- IG participants are individuals, corporations, and nation states.
- Internet governance has been hotly debated.

Source: Internet Governance: A Primer, Akash Kapur, UN Development Programme, 2005
Early History of Internet Governance

- 1960s – ARPANET packet-based network developed
- 1970s – It is extended to universities, res. labs., etc.
- 1983 – Internet launches. By 1986 it is global.
- 1986 – Internet Engineering Task Force (IETF) starts*
  - “The IETF is a loosely self-organized group of people who contribute to the engineering and evolution of Internet technologies.”
  - Creates voluntary technical standards via RFCs
    - Request for Comments** (RFCs)
  - Pioneers engage in open & consultative technical governance
    - Now called multi-stakeholder governance

* See [http://www6.ietf.org/tao.html](http://www6.ietf.org/tao.html)
Some History of the Technology

• The 1990s were exciting. In 1991 Tim Berners-Lee* introduced hypertext-based browser
• In ‘93 Mosaic*, first graphical browser appeared
• Suddenly, useful web-based content emerged.
• High-tech companies formed & fortunes made
• The dot-com boom occurred, followed by bust in March 2000, and reality set in.

* Marc Andreessen, co-author of Mosaic, is founder of Netscape and VC firm Andreessen Horowitz
Domain Name System Governance

• In mid 1980s USG contracts with USC to run the Internet Assigned Numbers Authority (IANA).
• IANA can alter the master root zone file*
  – It maps Top Level Domains (e.g. .com) to IP name servers
• IANA assigns numbers needed to identify each Autonomous System (AS) and protocol
• IANA allocates generic TLDs (e.g. .edu, .soccer) through a formal process to qualified organizations
• IANA assigns blocks of IP addresses to Regional Internet Registries (RIRs) that provide them to ASes.

*100s of copies of the root zone file distributed by 13 orgs. They map TLDs to name servers.
DNS Governance Emerges

• In 1990s USG decides contracts must be open
  – USC must compete with for-profit company for IANA contract
• 1994 – USG assigns IANA to Network Solutions
• 1998 Jon Postel of USC, fed up, tries to move IANA out of government hands & into a private company
  – This precipitates a government crisis. Clinton is president
  – Ira Magaziner, Brown ‘69, leads govt. discussions
• 1998 – USG contracts with new non-profit Internet Corporation for Assigned Names and Numbers (ICANN) to handle IANA functions.
  – Retains control over changes to the root zone file.
  – In 2016 USG gave this control to ICANN itself.
Historical Debate on IG

• Should IG focus only on technical matters?
  – Some say yes, others say it must include social, legal and economic consequences of technical decisions.

• What is the role of governments?
  – Some want it to retain its current form or increased
  – Others want it decreased or eliminated.

• Should governance be allowed to evolve?
  – Some say yes, others say it must be replaced.
Possible Roles for Internet Governance

• Share best security practices
• Develop acceptable norms of behavior in cyberspace
• Protect intellectual property and critical infrastructure
• Protect a nascent domestic computer industry
• Cooperate to reduce cross-border cyber crime
• Engage in trust building to reduce threat of conflict
• Ensure continued expansion of access and content
Competing Governance Models*

• **Multi-stakeholder governance (MSG)**
  – Open, transparent, and inclusive engagement.
  – Some want decisions to be made by “consensus.”
  – This model endorsed by many democratic governments

• **Multilateral Governance**
  – Illustrated by International Telecommunications Union (ITU)
  – An intergovernmental UN organization
  – One vote per nation – if they pay their dues 😊
  – Technical decisions can be changed at policy layer
  – Endorsed by governments concerned about state security

* Exploring Multi-Stakeholder Internet Governance, Savage & McConnell, EastWest Institute, 2015
Multi-Stakeholder Governance (MSG)

• Vague notion in 2003. Now widely accepted in IG
• MSG is a framework for engagement
  – Stakeholder is a person, group, organization or government with an interest in a matter.
  – All stakeholders participate on equal footing
  – Open, transparent, accountable process
  – Tries to use consensus-based decision making
  – It motivates stakeholders to take responsibility!
• Now widely used on Internet, in civil society, UN
MSG – ICANN Definition

- Involvement of stakeholders in the learning process
- Stakeholders work towards common goals
- Work involves different sectors and scale
- It is focused on effectuating change
- Agreements are created based on cooperation
- Stakeholders deal with power & conflict consciously
- Bottom-up and top-down strategies are integrated in governance and policy making
Two Visible Applications of MSG

• **ICANN** does consensus-based policy development
  – Approach based on global stakeholder input and **codified** in the *White Paper* (USG, 1998, proposed by Magaziner ‘69)
  – ICANN implements MSG via board meetings, supporting organizations, and advisory committees

• **Internet Engineering Task Force (IETF)**
  – The *Tao of IETF: A Novice’s Guide to the IETF***

• Markus Kummer, Exec. Coordinator, Internet Governance Forum (IGF): “all public policies pertaining to the Internet should be developed in a multi-stakeholder framework.”

* See [https://www.icann.org/resources/pages/agreements-en](https://www.icann.org/resources/pages/agreements-en)
** See [https://www.ietf.org/tao.html](https://www.ietf.org/tao.html)
UN Discussions of Internet Governance

• Russian put information security on UN agenda in ‘98
  – At first ignored by Western nations but

• In 2002 UN General Assembly called for a World Summit on the Information Society* (WSIS).

• WSIS convened in 2003 in Geneva and 2005 in Tunis
  – The “information society is seen as helping ... people achieve their potential, promote sustainable economic and social development, and improve the quality of life.”

* See http://www.itu.int/wsis/index.html
UN Internet Governance Meetings

• WSIS summits
  – Call for creation of Internet Governance Forum (IGF)
  – Subsequent WSIS forums held every few years.

• First meeting of IGF*, a UN multi-stakeholder forum for IG policy discussions, held in 2006. IGF holds annual meetings.

* See http://www.intgovforum.org/cms/
IG Players & Function

• Actors include governments, private sector, and civil society (i.e. outside family, state, market).
• IG is more than DNS, BGP & technical decisions.
• WSIS launches Working Group on Internet Governance (WGIG) in 2003.
• In 2005 WGIG declared that IG “also includes other significant public policy issues, such as critical Internet resources, the security and safety of the Internet and developmental aspects and issues.”
2005 Tunis Agenda* Declaration

• **34.** A working definition of **Internet governance** is the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.

• **This definition is not binding on governments!**

* See [http://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html](http://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html)
WSIS 2005 on IG (Tunis Agenda*)

35. ... In this respect it is recognized that:

- **Policy authority for Internet-related public policy issues is the sovereign right of States. ....**
- The private sector has ... an important role in the development of the Internet, both in the technical and economic fields.
- Civil society has also played an important role on Internet matters, ... and should continue to play such a role.
- Intergovernmental organizations ... should continue to have, a facilitating role in the coordination of Internet-related public policy issues.
- International organizations ... should continue to have an important role in the development of Internet-related technical standards and relevant policies.

* See http://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html
Why is IG Challenging?

• Open standards encourage innovation but also make the Internet hard to manage.
  – Consensus is needed to change standards.
• Internet operations lack central authority
• Nations have vested interests in use of Internet
  – They are economically dependent on it.
  – Some are threatened by uncontrolled content
  – All nations must combat cyber crime
Must the Internet be Governed?

• Many believe governance should be minimized
• Internet does depend on its free, open culture.
• However, absence of rules can be bad.
  – Anarchy can stifle innovation (e.g. lack of patents)
  – What norms might be developed and for whom?
• Some governments exercise content control
• Balance needed between rules and freedom, control and anarchy, process and innovation.
IG Has Many Players and Levels

- Governance practiced by many organizations at many levels
- **Infrastructure Level**
  - Interconnections – telecoms, companies (e.g. Comcast, Google)
- **Logical Level**
  - Domain Name System – ICANN including IANA
  - IP Allocation & Numbers – Regional Internet Registries, Registrars
  - Standards – many orgs. produce protocols, e.g. IETF, W3C, etc.
- **Content Level**
  - Pollution control – spam
  - Cybercrime – e.g. Budapest Convention, Shanghai Cooperation Org.
  - Intellectual Property Rights – WIPO, WTO
  - Control of Internet – many bodies involved, e.g. UN, ISOC, ICANN
- **IG is multi-layered and multi-faceted!**
Access – An Infrastructure Issue

• Large Internet Service Providers (ISPs) can dictate terms to smaller ones and to clients
  – Particularly problematic for developing countries.
  – Is net neutrality needed?
• Many developing countries go outside for content.
  – Is this a “reverse subsidy” of $Billions to US providers?
• Universal access to Internet is desired by some.
  – Developing countries need help with access.
• Will developing countries not be able to keep up?
Some Logic Layer Issues

- **Standards** are essential to functioning of Internet.
  - E.g. TCP/IP, IPSEC, DNS, DNSSEC, HTML, HTTP, XML

- **Standards** are a form of *de facto* governance.
  - Attempt made in 2001 to introduce standards based on patents for which royalties required. The community got upset and they were withdrawn.

- As standards change, governance must adjust

- Standards bodies working at the Logic Layer:
More Logic Layer Issues

• Management of the Domain Name System
  – .arpa, .com, .net, .org, .int, .edu, .gov, and .mil were the only top-level domains (TLDs) until 2000
  – There are now more than 1,500 generic TLDs
    • E.g. .academy, .coffee, .tokyo
  – Each TLD application to ICANN costs $185,000!
  – DNS recognizes country code TLDs (ccTLDs), e.g. .fr, .au

• Until 2016 ICANN was controversial because US had last word on changes to root zone file.
  – ICANN now independent
  – But it remains a US corporation
Issues at the Content Layer

- **Internet Pollution**: spam, malware, DDoS
  - US CAN-SPAM Act of 2003 makes it a federal crime to send misleading commercial email.

- **Cybercrime**
  - Council of Europe Convention on Cybercrime* has guidelines to create domestic legislation that make illegal: access to computers without legal approval, computer-based forgery or fraud, child pornography, infringement on copyrights, etc.

*See [https://rm.coe.int/1680081561](https://rm.coe.int/1680081561)
International Telecommunications Union
An Important IG Player

• ITU is a UN agency started in 1865
  – Created to standardize telephone operations
  – It has Telecommunications (T), Radio (R), and Development (D) sectors

• ITU Governance
  – Only nations can introduce topics and vote
  – Corporations and organizations can attend meetings
  – Technical decisions can be revised by politicians
World Conference on International Telecommunications (WCIT)

• Run by ITU in Dubai from December 3-14, 2012.

• Autocratic nations tried to use ITU to take control of Internet policy\(^1,2\)
  
  – US, EU, Canada, India, etc. did not ratify treaty
  
  – 89 nations did ratify, 55 did not

• Although difficult to alter Internet governance, WCIT signaled that some nations wanted to try

• 1,600 diplomats from 151 countries attended!

1. Did the U.N. Internet Governance Summit Actually Accomplish Anything?, Slate, 12/14/12
2. 2. The UN's telecom conference is finally over. Who won? Nobody knows., Ars Technica,
Another Important Event

• 2013 – Snowden revelations of NSA secrets caused governments to demand
  – Data localization – i.e. local data stored locally
  – Avoid their Internet traffic passing through US
  – Have a voice on top level domains, such as .vin
  – Reduce US surveillance
  – Reduce influence of large US Internet companies*

• The Europeans are now closely supervising Amazon, Apple, Google, Facebook and Microsoft

* See https://en.wikipedia.org/wiki/List_of_largest_Internet_companies
Impact of Snowden on IG

• Montevideo Statement*, October 7, 2013
  – Reinforced need for globally coherent Internet
  – Identified need to address IG challenges
  – Accelerated globalization of ICANN, IANA, i.e. remove US control over the DNS root zone file.

• Global Multistakeholder Meeting on the Future of the Internet – Brazil, April 23, 24, 2014
  – MSG endorsed by govts except China, India & Russia

* Signed by leaders of AFRINIC, ARIN, APNIC, IAB, ICANN, IETF, ISOC, LACNIC, RIPE NCC, W3C.
A Major Internet Governance Decision

• 2014 – USG announced “its intent to transition key Internet domain name functions to the global multi-stakeholder community”\(^5\) if following goals are met:
  1. “Support and enhance the multistakeholder model,
  2. Maintain the security, stability, and resiliency of the Internet DNS,
  3. Meet the needs and expectation of the global customers and partners of the IANA services; and
  4. Maintain the openness of the Internet.”

• No transition to occur if USG is replaced by another government or an intergovernmental organization.

5. NTIA Press Release, March 14, 2014
What is Good About MSG?

- Hemmati\(^7\): for decades multi-stakeholder processes (MSPs) were used to address issues such as biotechnology, corporate conduct, energy, labor, gender inequality, tourism, mining, paper, sustainability, etc.

- MSPs inform and support decision makers, identify solutions, and encourage stakeholders to take ownership of issues.

- Effective in social, political, economic and technical contexts, when problems are new, fast changing, and complex with important social and cultural dimensions, especially when governments are slow to act.

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What is Bad About MSG?

• Hemmati (2002) calls MSG a “new form of communication, decision-finding (and possibly decision-making)” but “not a universal tool”.

• It is “suitable for ... situations where dialogue is possible and where listening, reconciling interests and integrating views ... [is] within reach.”

• “More often [than not] the process becomes a messy, loose-knit, exasperating, sprawling cacophony”
Weighing the Good and Bad of MSG

- MSG stimulated Internet development and web content.
  - IETF, W3C and ICANN employ some form of MSG
  - Unwise to abandon the MSG approach.

- But MSG has no universally accepted definition.
  - All agree it should be open, transparent, and inclusive
  - Some argue it should make decisions by “consensus”

- Opinion of Ambassador Phillip Verveer (2013):
  - “I tend to think of it as a kind of ethos of inclusivity, which doesn’t provide much other than guidance in terms of the notion.”

- Dangerous to use MSG exclusively for Internet governance!
  - But it is a powerful mediating mechanism
What’s Wrong With IG Today?

• **IG defined too broadly**, making it hard to manage, as agreed by leading experts:

• For example, **2014 IGF topics** included:
  – Internet access, freedom of expression, child safety, privacy, cyber economics, IPv6 deployment, right to be forgotten, gender issues, climate change.
Is There More?

• Absence of rules for running MSG meetings
  – Evident in IETF and ICANN
• A perceived lack of accountability
  – ICANN commissioned study of its accountability
• ICANN’s legitimacy was challenged.
  – USG addressed this by proposing to spin off control of the root zone
• Important stakeholders were not participating in governance discussions.

• Because MSG has weaknesses, it must be carefully crafted before used for global Internet governance.
How Should Internet Be Governed?

• If neither the status quo nor ITU is satisfactory, how should the Internet be kept open, inclusive and secure?

• Is there a middle ground between government control and laissez-faire form of governance?

• Let’s first ask what topics should be included in the term “Internet governance.”
Internet Governance Topics*

1. **Network Architecture**, e.g. naming & routing, traffic management, network security, standards

2. **Content Control**, e.g. privacy, data filtering, data security, freedom of expression, information security

3. **Human Rights**, e.g. freedom of expression, economic, social and cultural rights, privacy, surveillance

4. **Cyber Crime**, e.g. identity and IP theft, fraud

5. **Cyber Attacks**, e.g. actions via networks causing serious harm to a nation, its interests, or infrastructure.

* Exploring Multi-Stakeholder Internet Governance, Savage & McConnell, EastWest Institute, 2015
A Middle Ground Recommendation*

- We echo others who recommend simplification of Internet governance by assigning governance roles to relevant international bodies such as
  - Human Rights Commission (HRC)
  - World Intellectual Property Organization (WIPO)
  - World Trade Organization (WTO)
  - International Telecommunications Union (ITU)
  - Council of Europe (CoE)
  - Shanghai Cooperation Organization (SCO)
- See Joe Nye’s Regime Complex for others (next slide)

* Exploring Multi-Stakeholder Internet Governance, Savage & McConnell, EastWest Institute, 2015
Joe Nye’s Regime Complex

Figure 1: The Regime Complex for Managing Global Cyber Activities

- International Law Conventions
  - UN Charter, UNGA Resolutions and LOAC
- Human Rights Regimes
  - ICCPR
- Government Groupings
  - G8, G20, 3G and OECD
- UN – 1/3 Committee
  - GGE
- UN – WSIS Process
  - IGF, WSIS and WIGIC
- Telecom Regimes
  - ITU (ITRs) and GUCCI
- Regional Organizations
  - CoE, OSCE, SCO, OAS and ARF
- Civil Rights Organizations
  - EFF, Freedom House and Access
- International Finance Institutions
  - IMF, World Bank, EBRD, OECD DAC and ICT4D

- Intellectual Property Regimes
  - WIPO and ACTA
- Trade Regimes
  - WTO and Wassenaar Arrangement
- Law Enforcement Cooperation
  - Council of Europe Convention on Cybercrime and INTERPOL
- Corporate Decisions
  - ISPs and telcos (including routing and content)
- Incident Response Regimes
  - IWN and FIRST
- International Policy Standards
  - ICANN, IANA, ISOC and RIRs
  - Internet Technical Standards
  - IETF, W3C and IAB

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Additional Recommendations

• Attach a multi-stakeholder consultative group to international bodies dealing with IG issues – They bring in the expertise and motivation

• New Principle: policymakers do not make or modify technical decisions but may reject them.

• This principle currently applies to the UN International Civil Aviation Authority (ICAO).
Our Conclusions

• Internet governance is too important to be left to the Internet designers, operators and telecommunications ministers alone

• Both users and governments also need to work together to safeguard the operation of the Internet while ensuring that the vitality of the Internet is not lost.
Review

• Brief history of Internet governance (IG)?
• What models for Internet governance exist?
• The UN takes an interest in the Internet
• Internet layers shape governance
• An attempt by the ITU to control IG
• Snowden’s impact – US gives up control of ICANN
• A close look at multi-stakeholder governance
• How should the Internet be governed?
More Recommendations

• For legitimacy major Internet nations might appoint members to ICANN’s Independent Review Panel (IRP) so that it is independent of the ICANN board.

• A US role on IRP can help prevent ICANN’s capture.

• Given the importance of maintaining the integrity of the root zone file, the authority of a new IRP must be carefully circumscribed.
  – It could include allocation and de-allocation of gTLDs, approval of deployment of DNS and BGP standards, and management of keys for secure versions of DNS and BGP.