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Internet Governance: Issues and Challenges

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ABSTRACT

“Internet governance” used to just mean ICANN-related issues; today, we include under that rubric almost any policy issue related to the Internet, including standardization and resource allocation. Governance implies a polycentric, less hierarchical order; it requires transnational cooperation amongst standards developers, network operators, online service providers, users, governments and international organizations if it is to solve problems while retaining the openness and interoperability of cyberspace. The Geneva Declaration however did tone down its revolutionary flavor by dividing the areas of governance concerns between the different multi-stakeholders such that the public policy role was assigned to the nation-States. This unification of the platform for all modes of communication and information – known as “digital convergence” – makes all the policy conflicts and issues that were spread out over old media part of Internet politics today. For better or worse, national policy plays an important role in shaping the Internet, but the rise of cyberspace has produced, and will continue to produce, new institutions and governance arrangements that respond to its unique characteristics. Nonetheless it is very important to note that it would be rather naïve to equate the problem of internet governance to the issue of ICANN oversight.

Keywords: internet Governance, ICANN, Stake-holderism, Digital Rights Connectivity.

I. INTRODUCTION

We say Internet *governance* and not *government* because many issues in cyberspace are not and probably cannot be handled by the traditional territorial national institutions. *Governance* implies a polycentric, less hierarchical order; it requires transnational cooperation amongst standards developers, network operators, online service providers, users, governments and international organizations if it is to solve problems while retaining the openness and interoperability of cyberspace. For better or worse, national policy plays an important role in shaping the Internet, but the rise of cyberspace has produced, and will continue to produce, new institutions and governance arrangements that respond to its unique characteristics.

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II. WHAT IS INTERNET GOVERNANCE

1. “Internet governance” used to just mean ICANN-related issues; today, we include under that rubric almost any policy issue related to the Internet, including standardization and resource allocation. The Internet can be and is being used to provide mail, voice telephone service, newspapers, broadcast television, music, libraries, and government services. This unification of the platform for all modes of communication and information – known as “digital convergence” – makes all the policy conflicts and issues that were spread out over old media part of Internet politics today.
2. Thus, in addition to the need for globally coordinated assignment and allocation of Internet name and address resources, and the dominant position of one government, the United States, in that process, there are: tensions between Internet “haves” and “have-nots;” jurisdictional conflicts among states over control of online expression; battles over the protection of trademarks and copyrighted material online; battles over the openness or proprietary nature of standards; multilingualism in Internet standards; conflicts among industry, users and states over online surveillance and privacy; the need to control transborder spam and cybercrime; and others.

III. A NEW MODE OF GOVERNANCE: MULTI-STAKEHOLDERISM ON INTERNET

Subsequent to the first WSIS phase in Geneva, the Working Group on Internet Governance (WGIG) Report confirmed the larger policy issues concerning the internet rather than mere improvement of telecommunications infrastructure, as an aspect of IG by choosing a broad definition of IG, which included both creation of public policy and technical governance. The Geneva Declaration of 2003, which resulted from the 2002 WSIS process, held that internet governance “*should involve all stakeholders and relevant intergovernmental and international organizations.*” This multi-stakeholder model for governance with involvement of nation-State participants was reflective of the largely networked management of the internet till the time, and hence pretty revolutionary. The Geneva Declaration however did tone down its revolutionary flavor by dividing the areas of governance concerns between the different multi-stakeholders such that the public policy role was assigned to the nation-States. It said, at para 49:

3. “Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues;
4. The private sector has had and should continue to have an important role in the development

of the Internet, both in the technical and economic fields;

5. Civil society has also played an important role on Internet matters, especially at community level, and should continue to play such a role;
6. Intergovernmental organizations have had and should continue to have a facilitating role in the coordination of Internet-related public policy issues;
7. International organizations have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies.”

This was reaffirmed in 2005 by the Tunis Agenda at para 35. Thus a sectorally-defined multi-stakeholderism for internet governance was agreed upon with traditional forms of State security being protected from large-scale erosion.

IV. MULTISTAKEHOLDER COLLABORATION AT THE GLOBAL AND LOCAL LEVELS

In true collaborative spirit, a diverse set of stakeholders is working closer than ever before to address key Internet issues. This is significant as it establishes a level of inclusiveness that traditional forms of governance do not often demonstrate.

More specifically, in the context of Internet governance, the manifestation of multistakeholder participation has been long proven successful in the form of the Internet Governance Forum (IGF), an annual conference under the auspices of United Nations (UN). The IGF does not have decision-making power, but does have the power to encourage opinions, suggest best practices, shape discussions, and influence Internet policies at a national, regional, and international level. National and regional IGFs have flourished in the past few years and have proven useful in sharing best practices around concrete issues, including spam, the online protection of children, and Internet exchange points. They have also been useful in exposing local and regional stakeholders to Internet-related issues and empowering them with knowledge of Internet-related issues. Moreover, a common outcome of local IGFs is the development of local multistakeholder dialogues that continue after the events themselves.

The multistakeholder model was adopted for the April 2014 NETmundial meeting that resulted in the *NETmundial Multistakeholder Statement of São Paulo*, a nonbinding outcome document of a bottom-up, open, and participatory process involving thousands of stakeholders from around the world.

V. ICANN: THE PROBLEM OF US OVERSIGHT

As mentioned earlier, during the WSIS process technical governance emerged as an important part of internet governance. And a major feature of technical governance comprised of the

control of the organization which administers significant technical aspects of the internet, which was the ICANN.

ICANN is the body largely understood to manage what later came to be known as Critical Internet Resources (CIRs); in other words the basic internet infrastructure. ICANN is a non-profit corporation with a multi-stakeholder model, incorporated under Californian laws in 1998 upon the directive of the US Department of Commerce. Its main functions include the allocation of address blocks to the Regional Internet Registries, coordinating assignment of unique protocol numbers, the management of DNS root zone file.

These functions however are performed under US political oversight under the IANA contract which ICANN has with the U.S. Government. Consequently all edits made to the root zone file must be audited and approved by the U.S. Department of Commerce (DoC). This means that any addition or removal of a top-level domain (TLD) must have the approval of DoC. It includes the addition or removal of country-code top level domains (ccTLDs) like .in or .uk. Next there is the DoC contract with Verisign, the US-based corporation which owns the master root server and owns the .com and .net TLDs. This contract requires Verisign to implement all the technical coordination decisions made through ICANN and follow the US Executive directives regarding the root zone file.

The problem is that this political oversight by the US government is not taken very well by the other countries. Why should a single State exercise unilateral power over such important resources which seemingly have the potential to blackout the internet in any part of the world? We all want a share in control over the CIRs, the other States argue. US unilateralism makes functioning of ICANN too arbitrary and it is in US State interests to keep ICANN least accountable, others argue. Add to it the empirical evidence of abuse of its oversight function by the US government, and the legitimacy of the argument is enhanced enormously. However resolving the question of how ICANN should be managed, is a matter of great controversy and none too easy.

Nonetheless it is very important to note that it would be rather naïve to equate the problem of internet governance to the issue of ICANN oversight. Internet governance comprises of both issues: of freedom, privacy, access to knowledge and other aspects of the internet affecting human rights- what is known as internet public policy, as well as technical governance, one of whose aspects is the management of CIRs, and of which ICANN oversight is an important part.

VI. ISSUE AREAS IN INTERNET GOVERNANCE

Frame(s)	Issue areas	Institutional venues	CS Groups Involved
“Internet governance”	Policies guiding the allocation and assignment of Internet identifier resources Linkage of identifier issues to human rights issues - The scope and mechanisms for global governance; US pre-eminence - The roles of states, business, civil society, and individuals in global governance	ICANN; US Govt.; UN Internet Governance Forum (IGF) - [ITU]	IG Caucus (WSIS CS); Internet Governance Project (IGP); IP Justice; APC; RITS; Diplo
“A2K” (Access to Knowledge); “Copyfight”; “Free/Libre Software”	Open access to information vs. intellectual property protection; Software patents and copyrights; Voluntary commons construction; DRM resistance; Nonproprietary standards	The GPL; WIPO; National Govts; UN CSTD	CP Tech; Creative Commons; Public Knowledge; FSF (US, Europe, Latin Am.); EFF
“Human Rights”; “Digital Rights”; “Civil liberties”; “Anti-censorship”	Internet censorship; Content rating standards; Blocking and filtering of Internet content; Privacy and surveillance; Digital identity	National Govt’s; IGF; ICANN	OpenNet Initiative; EDRI; RSF; APC; EPIC; Privacy Internat’l; Amnesty International
“Media Reform”; “Communication Rights”; “Community media”; “Alternative media »	Economic and content regulation of media companies; Concentration of media ownership; Bias in media content; Net neutrality; Radio spectrum	National Govt’s; UNESCO	Free Press; CRIS Campaign AMARC; Indymedia

	policy		
“ICT4D”; “Development”; “Access”; “Digital Divide”	How information-communication technology (ICTs) can contribute to development; Broadened access to infrastructure; Digital divide	GAID UNECA; IGF	Telecentres; APC; IT4Change

VII. CONCLUSION

Internet governance refers to the rules, policies, standards and practices that coordinate and shape global cyberspace. The Internet is a vast network of independently-managed networks, woven together by globally standardized data communication protocols (primarily, Internet Protocol, TCP, UDP, DNS and BGP). The common adoption and use of these protocols unified the world of information and communications like never before. Millions of digital devices and massive amounts of data, software applications, and electronic services became compatible and interoperable. The Internet created a new environment, a complex and dynamic “cyberspace.”

While Internet connectivity generated innovative new services, capabilities and unprecedented forms of sharing and cooperation, it also created new forms of crime, abuse, surveillance and social conflict. Internet governance is the process whereby cyberspace participants resolve conflicts over these problems and develop a workable order.

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