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The internationalization of internet governance

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Starting from 1998, the government of the United States took up responsibility for creating and overseeing the Internet Corporation for Assigned Names and Numbers. That Corporation manages the global infrastructures of identifiers on the internet. Beginning with 2003, the United Nations has addressed lack of internationalized co-ordination mechanisms in managing critical global internet infrastructures through World Summit on the Information Society and Internet Governance Forum. Those who are engaged with the Forum's Global Internet Governance negotiation, as of 2009, are divided into two groups: those who demand immediate change including the government of China; and those who support gradual change without discussing when and how such change can take place.

The internationalization of the internet governance touch upon the challenges of establishing a global coordination mechanism for the globalized domain name system (dns) and internet protocol (ip) addresses. Under our globalized environment, the internet is a part of our daily life. However, certain centralized features of the management of the global internet infrastructure are in the hands of one government—the government of the United States (us)—without a global consensus. The power imbalance at the global institutional level has been addressed by governments and civil society since the 2003 United Nations (un) World Summit on the Information Society (wsis). As the consequence of the contention in wsis between those who asked for globalized and inter-governmental internet resource management and those who supported the current status quo of us's oversight of a private sector-led institution, both parties compromised to host un Internet Governance Forum (igf), from 2006 till 2010. This chapter explores the challenges of the internationalization of the internet governance.

A regime of contractual relationships

The Internet Corporation for Assigned Names and Numbers (icann) is sustained

by a series of contractual relationships with several parties involved in the management of internet addresses. It has contract with generic top level domains registries like <.com> and <.org>; country code top level domains registries like <.uk> and <.nl>; registrars like GoDaddy and TuCows; and the us Government. icann's contracts with the us determine whether the Corporation has the authority to perform its missions.

icann has two main contracts with the us as of 2009: the Joint Project Agreement (jpa) is scheduled to expire in September 2009; and the Internet Assigned Numbers Authority (iana) contract runs until September 2011. At the beginning of icann's launch, the us Department of Commerce made it clear that icann will experience transition from us government's sole control to a global institution when icann is ready to be on its own (us Department of Commerce 2000).[1]

The Joint Project Agreement

The first round of oversight contracts between icann and the us Department of Commerce (1998–2006) were called as Memorandum of Understanding. The parties are actually under their sixth round of contract (2006–2009). The contract between is now called jpa that allows the us to monitor regularly icann's performance. With the upcoming expiration of the sixth contract, the global internet community is debating whether the jpa should be extended or not (us National Telecommunications and Information Administration 2009). Regardless of the global internet community's debate on the future of jpa, the recent us Congress Hearing of Committee of Energy and Commerce in Washington, in June 2009, demonstrated us government's strong will to extend the contract (Congress Hearing 2009).

The Internet Assigned Numbers Authority

If jpa is a symbolic contract that recognizes us as icann's supervising authority, iana contract provides the us with a mechanism to intervene in the operation of the global internet. Milton L. Mueller stressed that the us Department of Commerce has right to audit, control modifications to the root zone file. The iana contract, therefore, is considered as the key framework of icann. The lesson from the recent jpa discussion is how the global internet community can collectively identify an institution that can replace the role of the us before 2011. Yet the us will most likely not give up the iana contract.

1. In withdrawing the us Government from dns management and promoting the establishment of a new, non-governmental entity to manage internet names and addresses, a key us Government objective has been to ensure that the increasingly global internet user community has a voice in decisions affecting the internet's technical management.

The Cyber Security Act of 2009

The recently presented Cyber Security Act 2009 proposes that 'National Tele-communication and Information Administration (ntia) cannot renew or modi-fy iana contract unless a proposed Cyber Security Advisory Panel considers the commercial and national security implications of the action and approves it' (us Congress 2009). The current legacy structure of contracts with the us provides le-verage for its interference. Mueller predicted that this situation will provide an im-petus for other governments to get involved. He raises the questions: 'Why should us have special powers? Why intergovernmental control and interference?'

Dynamic evolutions and global internet governance

With the expiration of the jpa contract in late 2009, the un Secretary General's requirement to make decision on whether igf will be continued after 2010, the expiration of iana contract in 2011, and another wsis Review in 2015, the global internet community keeps presenting the challenges of the internationalization of internet governance as a legacy from the wsis. Meanwhile icann has conducted its ceremonial internal reform in the name of the Increasing Institutional Confi-dence Initiative under the pressure of internationalization outside.

Early in 2009, Norwegian and Dutch government organized a workshop on the internet governance. The European Commission (2009) also organized a work-shop on this theme in May 2009. Just the day before this workshop, Viviane Red-ing, the Information Society and Media Commissioner, proposed an alternative to replace the US government. According to Reding's proposal, twelve geographically balanced government representatives should supervise icann. However, she did not identify who the twelve countries would be (Reding 2009).

A few days later in Geneva, during an igf open consultation meeting, China made the following intervention asking for a new intergovernmental forum to dis-cuss the internationalization of internet governance:

> We feel that the igf has contributed a great deal in light of its historic mandate. . . . But it's not enough for developing countries who don't have enough resources and don't have the capacities to participate in this kind of dialogue without further commitments being made, which is why the points of views of developing countries, especially when it comes to Internet Governance, . . . are not sufficiently reflected in our discussions, which is why we don't agree that the igf should continue its mandate after the five years are up. (un Internet Governance Forum Open Consultation Meeting 2009)

China's official position disagree with extending igf's mission beyond the five years

period. Indeed, is plead for an evaluation of the results being achieved through an intergovernmental discussion.

Continue or discontinue

Despite this strong intervention from China, igf is expected to continue. After three years of igf meetings (2006–2008), those who are defensive of us government's role in the governance of internet learned that igf can be useful to consolidate the current governance structures, because igf was created mainly to discuss the issues without decisions. igf became an effective tool to incorporate the developing world to the current internet governance framework through development discourse and educational workshops.

The possibility of igf becoming a substantial institution disappeared, therefore, those who had been worried about the creation of igf during wsis, ironically, became strong supporters of igf. Those who explored igf with a hope that it will be able to address the core issues of global internet governance. These issues concerns country codes top level domains delegation and re-delegation mechanism, coordination and institutionalization of root server operators, globally accountable supervision of icann and the creation of multilingual names in the top level domains. Yet they realized that igf had degenerated into an annual meeting of the global internet community.

The upcoming 2009 Sharm El Sheihk igf's programme recently published confirms it as an annual meeting for the global internet community (un Internet Governance Forum 2009). This year meeting will broadly discuss privacy, openness, security, access, diversity and critical internet resources on the internet; but it will decides nothing for two days out of four-day event. The rest of the programme will be allocated to keynote speakers, opening and closing ceremonies.

Governments' agony in the new rules and new settings

Peter Anker, from the Dutch Ministry of Economic Affairs, discussed how governments will be able to adjust to the new settings of global internet governance negotiation without knowing the role of governments. Anker declared that 'the definition of internet governance provided by wgig (2005) refers to governments as one of stakeholders together with civil society and private sector. However, it is unclear what roles are expected from governments. Anker added that 'government should provide continuity, stability, interoperability, security and privacy of the internet ensuring consumer protection.'

Revisiting to the principle of multi-stakeholder

In 2010, igf only one year ahead, those who challenged the us's sole control in global internet governance during the wsis have raised the following issue. The multi-stakeholder principle in global internet governance should be reconsidered. Moreover negotiations among only state actors should be developed. Such reaction came from the fact that the multi-stakeholder principle applied in global internet governance turned out to be non-state-actor-oriented process, by making state actors as observers, which is very unusual. It has been quite different from the typical un's state-actor-oriented multi-stakeholderism in other global negotiations like climate change negotiation.

A look at the future

At the conference, Viktor Mayer-Schönberger shared his views of how us, China and the European Union are responding to the challenges of the global internet governance. He said that:

> The us under Obama administration will be re-nationalized with rhetoric of responsibility. us is going back to 20th century New Deal. China will also reshape multi-stakeholderism into muliateralism de-emphasizing rights debate through rhetoric of ethics and order. China is going back to 20th century Sun Tzu Realism. eu is going to replace multi-stakeholderism to multilateralism confirming the private sector leadership principle in icann. eu is going back to 20th century multilateralism redux with a strategy to replace structures and processes arguments with substance.

Conclusion

Under this dynamic global internet governance situation, many are still skeptical about the possibility whether the us is willing to transfer icann to the hands of a globalized institution. As of 2009, icann regime is still an immature regime. It is used as excuse to sustain the current us government's leadership by stakeholders involved in the negotiation. The main challenge of icann and the global internet community ahead is how to present the legitimate institution that can replace the role of us realistically before 2020. Success of such a task will depend on how the second round of igf after 2010 will be developed.

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