

CENTR

COMMENTS ON THE REPORT OF THE WGIG

Council of European National Top Level Domain Registries – CENTR Comments on the WGIG final Report

Introduction

The Council of European National Top Level Domain Registries, CENTR recognises the considerable effort involved in producing the Final Report of the Working Group on Internet Governance (“WGIG”).

The four open consultations held in Geneva presented an opportunity for many stakeholders to express their views, comments and inputs. CENTR notes that these discussions reaffirm the view that the Internet is a unique instrument that functions through the contributions and participation of many stakeholders.

In the light of contributing to the current discussions in the WSIS proceedings, **CENTR states that:**

- Ensuring the stability, security and robustness of the Internet infrastructure is of critical importance;
- The basic principles of transparency, democracy and a multi-stakeholder approach are the key for any Internet governance models; and
- It is clear that only a small minority of issues require global coordination.

CENTR endorses:

- The principle that responsibility for policy should devolve to the most local level possible (the “subsidiarity principle”) and the recognition of the role of the Local Internet Communities in developing policy at local level. This means that only issues which *require* global co-ordination should be dealt with globally.
- The importance of providing an environment that encourages innovation and investment.
- The role of the private sector, which has been a leading actor in the Internet development so far and which continues to contribute to enhance the Internet’s potential.

- The importance of relating the existing mechanisms to key objectives, and making participation open and inclusive to all stakeholders, particularly those from developing countries, on an equal footing.

CENTR believes that the management of the Internet at all levels requires effective participation and that each stakeholder must play its particular role.

The following comments specifically address certain matters included in the final Report of the Working Group on Internet Governance (the 'Report') and are intended to assist the PrepCom in the next phases of the World Summit on Information Society.

Working Definition of Internet Governance

CENTR agrees that *"Internet governance is not just Internet names and addresses"*, and would like to emphasize that the management of the Domain Name System, in fact, constitutes only a small part of the entirety of Internet governance issues. Also, CENTR re-affirms its belief that the core principle of managing the Domain Name System is to maintain the system's stability and security. CENTR welcomes WGIG's agreement with this principle.

Furthermore, CENTR recommends that the definition of Internet governance given within the Report should make it clearer that the governments, the private sector and the civil society participate on an equal footing *"to shape the evolution and the use of the Internet"*.

Identifying relevant issues

CENTR makes the following observations regarding the Report's analysis of the adequacy of existing arrangements:

- First of all, we would urge a sense of perspective. As in the real world, there are some problems on the Internet - but as in the real world most of these problems can be solved (and in fact are being solved) within the existing structures, even though in some cases this may, as in the real world, take some time. Occasionally, the ongoing debate about restructuring Internet governance, in itself seems to obscure the actual issues and distract from their solution.
- As with any new and quickly-evolving phenomenon, it may well be that new unforeseen challenges and difficulties arise (and continue to arise) along with the amenities that the Internet provides. It is important to distinguish carefully between issues that may require restructuring of present arrangements, from those that can be (and are expected to be) resolved within the existing frameworks.
- Most issues are local and regional in nature and as such are best solved at the national level. They should be directed to Local Internet Communities in accordance with local laws, customs and procedures. As examples, WHOIS policy and data protection requirements have been adequately addressed in many jurisdictions by Regulations or regional treaties, particularly in the EU. Off-line laws apply to the Internet, and the international community could learn lessons from successful models at national level. In this respect CENTR commends the initiative of the WGIG Secretariat in organising the workshop on Internet governance at the national level. In this respect, ccTLDs can be differentiated from gTLDs.

Developing a common understanding of the respective roles and responsibilities of all stakeholders from both developed and developing countries.

The private sector has a significant role in several areas that have not been listed in the Report. As an example, the private sector is actively engaged in fostering regional as well as global cooperation, and with that contributes immensely to the aim of including particularly the communities of developing countries. We would draw attention to CENTR and the wwTLD as fora for information exchange and development of non-binding best practice. Accordingly, most areas should not be seen as being exclusively subject to government roles and responsibilities. Cooperation between different actors has shown to be effective in meeting many of the challenges of the information society.

Finally, we believe that the constant change and evolution of the Internet requires flexibility of all stakeholders in fulfilling their roles and responsibilities.

The forum

The Internet has so many different facets and brings up so many different issues (ranging from purely technical matters like the DNS, to political and legal matters as they relate, for example, to content) that it would be problematic to group them all together and attempt to deal with the entirety of these facets in a single global forum. Rather, it is of utmost importance to define each individual issue and then determine which specific organization or stakeholder group is best equipped to deal with it appropriately. Consequently, most decisions should be taken in more specialised and goal-oriented bodies, and new structures should only be created where there is no appropriate structure existing.

We have strong reservations about how a forum as sketched out in Section V.A.1 of the Report could work in practice and are concerned that such a forum, over time and against its creators' intention, could be regarded as "The Internet Government". Instead of taking on a role as regulatory or policy making body, such a forum could and should only:

- Serve as a vehicle for the exchange of concerns and ideas of various sectors; and
- Make provision for the effective participation of all stakeholders including non-governmental sectors from developing countries that are usually blocked out of such forums on account of financial and other logistical obstructions. Indeed the power of the Internet could be used to facilitate such participation.

The Report suggests that "*the forum would be reinforced by regional, sub-regional, and national initiatives*". We believe that most of such local bodies already exist and there would be no need to duplicate them. Instead, any global forum should rely on organisations like CENTR or RIPE as regional points of reference for those aspects related to their respective activities.

The oversight function

There are over 240 TLDs in the root zone file. The ccTLDs Managers have historically supervised and determined their entries in the root zone file, ensuring fast and efficient changes in the root zone file. CENTR concurs with the general consensus that modifications to authoritative data contained in the root zone have to date been exercised as a service to the community in a neutral and non-discriminatory manner.

At the same time, we have encouraged the U.S. Government to further explore, together with registry managers and IANA, the means by which the execution of these functions can be enhanced using proven technology, in order to optimise efficiency, accuracy of data, Internet stability and security.

We believe that ICANN should continue to be the forum for cooperation for DNS issues as a service to the community, and that ICANN should focus on its core function of technical co-ordination as well as on improving inclusiveness in its processes.

WGIG's Proposed Models

We note that the Working Group on Internet Governance was not able to reach consensus on a single best way forward and therefore chose to present four options for consideration.

To the extent that private sector and civil society involvement is limited to “an advisory capacity” (notably options 1, 3 and to some extent option 4), these models fail to meet the WSIS criteria set out in paragraph 48, which we support and which also calls for “*full involvement*” of “*the private sector, civil society and international organizations*”. The private sector has been responsible for much of the investment and innovation that has driven the development of the Internet. Therefore it seems incongruous to propose reducing non-governmental actors' participation to advisory or observer roles.

Also, option 4 sounds very complex and potentially bureaucratic and it is doubtful that such an all-encompassing scheme could prove workable in practice.

Option 2 appears to take a more incremental approach, but the scope of the “*enhance[d] role*” of the GAC is unclear to us. CENTR members would be unable to support any solution which could impose binding recommendations.

In our view, the overriding principles are subsidiarity and local determination, which are endorsed in the revised GAC Principles. We believe that balance between stakeholders needs to be guaranteed in any model. This balance could promote participation that accords with models and approaches of local Internet communities that have proven to be successful.

Furthermore, we would like to reiterate that certain processes, like deciding the operator of a TLD Registry or the policies under which that Registry provides service to the Internet user community, must accord with national law, must have high levels of technical competency and reliability and address the needs of the local Internet Community. Consequently most decisions are local matters that should not be up to any external organisation.

Conclusion

The “free spirit” of the Internet’s development is truly a historical milestone, and a lesson that should not be forgotten. Its future growth can be stimulated by emphasising knowledge and innovation, as well as improving synergies between the economic, political and social dimensions. If adjustments have to be made, those should be built on the existing structures of the Internet governance, maintaining an open and transparent dialogue with all involved in the process, and ensuring that all voices are heard and taken into due consideration.

About CENTR and its members

CENTR, the Council of European National Top-Level-Domain Registries, is an association of Internet Country Code Top Level Domain Name (TLD) registries (such as .de for Germany and .dk for Denmark). CENTR has a European focus, but no geographical restrictions to membership which includes a number of non-European registries.

CENTR full members represent many millions of domain names registered at two letter country code level. CENTR provides a forum for TLD managers to share best practice, and develop common positions on relevant issues. As well as full members, CENTR has a number of associate members, including VeriSign, Afilias, Public Interest Registry, Neustar, other registries from various continents, and numerous observers including the European Commission, APTLD, AfTLD, ICANN and RIPE. CENTR membership is responsible for 95% of all domain names currently registered worldwide.

CENTR's membership is open to all Registry operators, is extremely diverse, in terms of structure, nature of relationship with government, registration policies and size of database.

CENTR has always devoted part of its activities to educate and train the stakeholders on the roles and responsibilities of registries, highlighting the variety of approaches and solutions. The Open Day CENTR organised in Brussels in May 2005 for the representatives of several European institutions and bodies was a success in terms of information exchange and diffusion of best practices.