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ABSTRACT

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➢ *Undemocratic governments like China, Russia, and Iran seek greater control over the Internet, and are pursuing this objective in intergovernmental agencies worldwide, especially those headquartered in Geneva. Governments, industry, and NGOs worldwide must unite to oppose government-led Internet governance. CCIA opposes more government control of the Internet, and supports existing multi-stakeholder models.*

➢ *The World Conference on International Communications (WCIT 12) in Dubai in 2012 is an important opportunity to revise key treaties that facilitate international communications of all kinds. This effort must not be subverted by attempts to provide a role to the ITU in Internet policy development or management.*

➢ *ICANN is launching an unprecedented expansion of the domain name space in 2012 and 2013. ICANN needs to adopt a strong commitment to civil liberties and Internet freedom, congruent with its public interest mandate: it must never become a venue for the pursuit of DNS blocking, filtering, or seizure of domain names or denial of access or use to any of the other unique identifiers within its mandate, except for reasons directly related to the stability or security of those systems.*

➢ *CCIA opposes in the strongest terms any attempt to limit anonymity for purely political speech. We urge caution to all those who propose to reduce anonymity for this reason.*

Background and Key Players:

The upcoming World Conference On International Telecommunications (WCIT)[1] has been the subject of considerable public comment and is the focus of a good deal of activity in the US policy community since it will be held in Dubai late in 2012, with planning occurring in Geneva.[2]

What is not really understood is that WCIT is only one battle in a long war where the stakes could not be greater: they are literally for the control of content on the Internet, and the number of powerful countries that want that control is expanding, not shrinking.

A key driver of Internet growth is that choices about its evolution involve consultation with stakeholders. Typically, either those with technical expertise (*e.g.*, IETF and WWW3 Consortium), or a diverse stakeholder community collaborating to produce politically acceptable and feasible results (e.g., ICANN), drive Internet governance decision making. A band of governments challenges this "bottom up" approach to Internet development. They advocate for

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[1] http://www.itu.int/en/wcit-12/Pages/default.aspx.
[2] The Center for Democracy and Technology (CDT) has created an excellent backgrounder to WCIT which is online here.

transitioning existing multi-stakeholder policy development processes to intergovernmental processes controlled by governments. This campaign is taking place in many different venues:

- Russia, China, North Korea, Iran and others are promoting a "cyber-arms control" treaty as a guise to create international legal "cover" for classifying dis-favorable information as a *military* threat, and responding accordingly.[3]

- Many of the same states are urging the International Telecommunications Union (ITU) - which traditionally develops essential standards for cross-border telecommunications - to indirectly expand its remit into Internet governance, using alarmist, hot-button issues like cybercrime and Internet porn.

- In September 2011, Russia, China, and others proposed an "Information Security" UN resolution[4] embodying a 12-point "Code of Conduct" which weaves widely-agreeable objectives together with broad endorsements of state control over Internet content. This resolution will be discussed at 2012's General Assembly session.

- At the World Intellectual Property Organization (WIPO) in Geneva, Russia recently proposed that the enforcement committee should study the "scourge" of Internet file sharing with the objective outcome being to curb "the dissemination of information that incites terrorism, secessionism or extremism *or that undermines other countries' political, economic and social stability, as well as their spiritual and cultural environment.*"

- India, Brazil and South Africa have proposed[5] the creation of new UN body that would ""develop and establish international public policies" for the Internet and to "integrate and oversee the bodies responsible for technical and operational functioning of the internet, including global standards setting."

The Economist has an excellent article "A Plaything of Powerful Nations"[6] on why governance by all stakeholders, not just governments, is essential. Also by the Economist, "In Praise of Chaos"[7] outlines why the Internet Governance Forum, a key but underfunded and under-supported venue for international discussion on Internet policy and governance is so important.

Current Issues:

A. The Appropriate Role of Governments in Internet Governance

CCIA's Position: Balkanization of the Internet and government control of Internet content policymaking are both unacceptable. Dissatisfaction with ICANN only increases pressure to look for alternatives to multistakeholder governance. Enforcement of the law online, such as to prevent child exploitation, is as legitimate as it is offline but that should never be used as a pretext to transfer control of Internet policy to governments.

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[3] The World Affairs Journal has a very useful article on this here:
http://www.worldaffairsjournal.org/article/shadow-wars-debating-cyber-disarmament
[4] Accessible here: http://www.un.org/ga/search/view_doc.asp?symbol=A/66/359
[5] Full proposal accessible here: http://www.culturalivre.org.br/artigos/IBSA_recommendations_Internet_Governance.pdf
[6] Full text available at http://www.economist.com/node/21530955.
[7] Full text available at http://www.economist.com/node/21531011.

CCIA believes Internet governance is best left to multi-stakeholder private sector organizations with a formal and regular process for input from governments, rather than given over to any international body of nation-states. No process should give government stakeholders more influence than others. Governments will tend toward conflicting regulation, filtering and censorship, whereas private sector technical innovation and business development is what has led to the Internet freedom of expression and online commerce that most of the developed world enjoys today.

B. New Domains/Non-Latin Character Domain Names

In late April or early May, ICANN will announce the list of proposed new generic top-level domains "(gTLDs")" for which proposals have been received. While many of these will be strings like .SPORT, or .CANON, it has already been announced that .PORN, .ADULT, .SEX, and .GAY will be amongst the list. While those from countries where free speech is the norm and not the exception will see some objection to some of these strings, authoritarian countries will find them far more objectionable and they will be used to fan the flames of campaigns to control Internet policy in intergovernmental processes.

C. WHOIS

The DNS' WHOIS database catalogues the person who has the responsibility of responding to technical inquiries regarding a given domain name, yet many people, including law enforcement officials, use the database to investigate copyright infringement and criminal acts such as phishing and hacking. Now there is a push to improve the accuracy of all WHOIS registrations to reduce illegal activity. But the desire for immediately accessible data conflicts with respect for anonymous political speech in the U.S., and indiscriminate distribution of such data would likely run afoul of data protection laws in Europe and elsewhere.

CCIA's Position: CCIA supports increased accuracy, but we believe that proxy services play an important role in preserving the privacy and personal safety of human rights workers, political activists and ordinary individuals. Some substantial legal standard, such as a subpoena, should be required for access to data when rights holders and law enforcement wish to pursue wrongdoers.

CCIA strongly opposes any initiative that could forcibly reveal the identity of anonymous political speakers, or otherwise invade the privacy of law-abiding people. The long-term value of an open and free Internet cannot be overemphasized.