

auDA's Internet Governance Roadmap 2023-2025

Improving multi-stakeholderism for tomorrow

1. In brief

Internet governance is at an inflection point. It is incumbent upon stakeholders to work together and improve the multi-stakeholder governance system so that it effectively addresses the challenges of a modern internet. The multi-stakeholder internet governance system is where stakeholders from government, the private sector, civil society, the technical community and academia all participate in discussions and decisions around the management of the global internet.

If this system fails to improve and if action to support it is not forthcoming, it may be replaced by intergovernmental processes. Internet governance is increasingly being considered as part of broader global discussions around digital governance and policy matters, and so stakeholders must offer a contribution to the dialogue – both to improve digital governance, and to maintain and reinforce the relevance of internet governance. This roadmap is auDA's contribution. In it, we share auDA's current analysis of multi-stakeholder internet governance, the challenges it faces, and proposed action to improve it in five key areas:

- Shared principles to shape internet governance
- Broader cooperation and participation
- New goals to set direction
- Stepping up leadership from the technical community
- Consideration of institutional innovation and development

In this paper, references to "internet governance" mean the system of institutions and processes that govern, coordinate and sustain discussion on matters of importance to the underlying technologies of the internet, a global network of networks. Internet governance is a subset of broader digital governance and, as structured today, includes discussion of public policy questions related to the internet.

We welcome feedback on our analysis and proposals, and appreciate your support in sharing these ideas with your community.



2. Introduction and context

Digital transformation is, according to United Nations (UN) Secretary-General, António Guterres, one of two "<u>seismic shifts</u>" that will shape the 21st century.¹ auDA considers that multi-stakeholder governance arrangements are critical to ensure the benefits of digital technologies are maximised for all users while mitigating the risks.

The multi-stakeholder internet governance approach, has underpinned the success of the internet, and supported global innovation and economic growth. Multi-stakeholder approaches incorporate the views of all stakeholders – both the challenges faced and possible solutions. Given the global nature of the internet and the number of stakeholders with an interest in its development, the multi-stakeholder approach it is well-suited to its ongoing development– and has much to offer digital governance more broadly.

This approach is not without its challenges: multi-stakeholder processes (in common with other policy and governance processes) can be cumbersome and time-consuming, sometimes stretching for many years and with a risk of capture by vested interests. In addition, the multi-stakeholder methods currently in use address only a small subset of the challenges posed by the proliferation of internet use. This has resulted in gaps being bridged in a piecemeal way without input from all relevant stakeholders, for example, by private sector actors through terms of service or by governments through national regulation or international treaty.

In recent years, reaching consensus on internet issues between governments and between stakeholder groups has been increasingly difficult. Though it is imperfect, many governments continue to support multi-stakeholder internet governance as the best way to ensure an open, free, secure and globally interoperable internet, along with the social and economic benefits this has brought. However, many others advocate for a model that privileges governments over other stakeholder groups – a multilateral model.

Not all supporters of a multilateral model are authoritarian regimes. Some governments, particularly from developing countries, are attracted by the idea that UN knowledge and resources can be harnessed to solve many of the problems the internet continues to present. Some others broadly support the concept of multi-stakeholder governance but consider the current model too heavily favours private sector interests at the expense of the community of internet users.

¹ The other is climate change.



3. Internet governance - at an inflection point

As the strategic and economic importance of the internet has increased, so too has competition about its governance and management, with debates increasingly influenced by geopolitics and 21st century power dynamics.

Adding to the pressure, issues such as privacy, data governance, illegal and harmful content, misinformation, and the impact of newer technologies like blockchain and artificial intelligence present complex global public policy challenges that the current governance system was not designed to address.

While there are multiple existing internet governance bodies², each was established to consider a narrow set of issues and manage specific functions or elements of the internet. These bodies have a largely technical remit, with social, cultural and economic issues viewed (wrongly) as separate or unrelated to technical discussions. Some provide a forum for discussion (e.g., the Internet Governance Forum (IGF)) while some provide frameworks for establishing standards (e.g., the Internet Engineering Task Force (IETF)) or making decisions about domain names and numbers (the Internet Corporation for Assigned Names and Numbers (ICANN)).

The changing geopolitics may be beyond the scope of the internet governance community, however, there are matters that are within our power to address. These include:

- The lack of coordination between the existing internet governance bodies. This can lead to issues being considered in isolation or indeed in multiple forums and create the conditions for other bodies and processes to take over such a coordinating role.
- The absence of clear interface and engagement between governments and the existing set of internet governance institutions and processes. When combined with more complex policy issues, the result is that sometimes solutions to the broader challenges do not reflect the realities of the technology they seek to shape.
- Uneven and unbalanced participation by stakeholders and/ or stakeholder groups in multi-stakeholder processes, which can on occasion lead to capture by a single stakeholder or group and also to questions about the legitimacy of the internet governance system as a whole.

In the face of these problems, auDA recognises change to the internet governance system is not optional but a necessity – and change driven by the multi-stakeholder community is preferable to externally imposed change.

Due to several government-led processes on the horizon that could result in significant and irreversible changes to its current multi-stakeholder nature, the next few years are critical to the

² CENTR provides an <u>explanation</u> of the internet governance system.



future governance model for the internet and for technology more broadly. The processes include:

- The <u>Summit of the Future</u>, currently scheduled for September 2024. The Summit is an initiative of the UN Secretary-General, billed as a once-in-a-generation opportunity for Member States to enhance cooperation on critical challenges and to reinvigorate the entire global multilateral system. The extent to which non-governmental stakeholders will be able to participate in the Summit, other than through their governments, is unclear.
- The <u>Global Digital Compact</u> (GDC), which is expected to be agreed at the Summit. The GDC is intended to outline shared principles for an open, free and secure digital future. The extent to which non-government stakeholders will be able to participate is unclear.
- The 20-year review of the <u>World Summit on the Information Society</u> (WSIS).³ The creation of the IGF was a key outcome of the first WSIS and its current mandate is due to expire in 2025.

The geopolitical landscape has changed significantly since 2005, when governments first reached a compromise on the management of the global internet and the role of other stakeholders at the first WSIS, which featured the formation of the IGF as a discussion-only forum.

As governments consider how to strengthen the multilateral system and improve global governance structures, it is unlikely that governance of the digital world will escape scrutiny. Nor should it. Cooperation and collaboration between an array of stakeholders is essential to make sure technologies deliver on their promise of improving people's lives.

Given the internet community's contribution Is critical to effective outcomes, "nothing about us, without us" is a bedrock principle.

The internet governance system is a critical component of the broader digital governance system. Its future is going to be affected by the processes listed above. This presents challenges for the multi-stakeholder internet governance community.

These challenges include promoting and improving global cooperation, and participating in the work to address new and emerging policy issues. The internet governance system can improve its legitimacy and its effectiveness by broadening and deepening participation, improving its effectiveness, and by focusing on delivering on the interests and needs of current and prospective internet users.

³ At the 2005 WSIS, governments reached a compromise on the management of the global internet and the role of other stakeholders. While some governments considered (and still consider) the UN the logical home of internet governance, the WSIS <u>outcomes document</u> states it should be "multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organisations."



To best facilitate this, auDA considers evolution of the internet governance system should be guided by shared principles, and the pursuit of globally agreed common goals that support social, economic and environmental progress. In short, it should prioritise public benefit.

To tackle these challenges, we consider technical community leadership is an essential feature. As a stakeholder group, the technical community not only keeps the internet running, but understands the principles upon which the internet was created, and which endow it with the potential to be a common good for all.

Institutional innovation will also be part of meeting the challenges we face. Actions to improve and develop the work of existing institutions, both discussion-based (today's IGF) and decisional (e.g., ICANN), and to develop new approaches to address newer problems, are part of the work we need to do.

The current governance approach does not solve these contemporary problems. Without action to improve the model in a multi-stakeholder manner, other solutions with different rationales will most likely prevail – placing the internet at risk, and risking internet governance being subsumed in the much broader challenge of shaping the world's digital future.

The technical community can – and should – be a key player in tackling the challenges the diverse uses of these technologies (examples⁴ include Artificial Intelligence, virtual and mixed reality, distributed ledger technologies such as blockchain, digital currencies and quantum technologies), create, and in enhancing the good they can support. It can do so by maintaining a leading role in governing them, in discussing and solving the challenges we face, and enhancing the opportunities before us.

What is the technical community?

Within the IGF context, "technical community" is more broadly defined than some might expect. The Internet Society describes technical communities as "a group of like-minded people with some degree of technical knowledge who gather together through different channels with the intention to build, promote and defend an open, globally connected trustworthy and secure Internet based on local and regional needs." While the technical community includes computer scientists, engineers, systems analysts etc., academics and those working for technical organisations (e.g., policy analysts or strategic advisors) may also be considered part of the technical community.

For this roadmap, the technical community means the group of key internet infrastructure organisations (known as the I* organisations), regional internet registries, (RIRs), country code Top-Level Domain operators (ccTLDs) and various internet standards bodies and forums.

⁴ These are technologies discussed in the <u>Policy Brief</u> by the Secretary General on the Global Digital Compact (May 2023).



4. Shared principles for how internet governance works

As we head towards the 20-year review of WSIS (WSIS+20), auDA believes it is important to reflect on the outcomes of the first WSIS process, which emphasised a "people-centred, inclusive, development-oriented and non-discriminatory Information Society".⁵

We believe shaping the evolution of the internet governance system in accordance with transparent and shared principles will help it continue to develop as a governance and policy system in a way that supports this objective.

There are several sets of existing internet governance principles, including those developed by the ITU, the OECD, the Council of Europe, the Internet Society, and ICANN. There are also Internet Governance Principles contained in the NETmundial Multistakeholder Statement.

In contrast to the ITU, OECD and Council of Europe principles, which were decided by governments, and the Internet Society principles, which are a statement of that organisation's views, the NETmundial principles were the result of a genuine and significant multi-stakeholder process.

Together with the Roadmap for the Future Evolution of Internet Governance, they were the key outcome of the 'NETmundial Multistakeholder Meeting on the Future of Internet Governance', convened by Brazil in 2014. Almost 1,500 participants from 97 countries and all stakeholder groups took part.

Refreshed principles will provide a strong foundation for the ongoing evolution of the internet governance and cooperation system. They could give greater clarity to the boundaries of internet governance, as well as how it can contribute effectively to broader questions of digital governance and public policy. Such a forum would also be a chance for genuinely multistakeholder development of inputs to contribute to the intergovernmental discussions coming up.

Call to Action 1: auDA recommends the community evolve the principles in the NETmundial statement (and other relevant principles) to provide a contemporary framework to guide the ongoing development of the internet governance system.

Call to Action 2: auDA suggests a 10-year review of the NETmundial Statement in the first half of 2024 through a NETmundial+10 Event. This would be a neutral, non-UN platform for progressing global multi-stakeholder dialogue on the principles and framework suggested above, and to provide multi-stakeholder input to the GDC.

⁵ 2003 Geneva Principles and 2005 Tunis Agenda



5. Participation and cooperation for legitimacy and stronger outcomes

To ensure that the internet governance system continues to be one that is multi-stakeholder-led rather than one-stakeholder, government-led, and to make sure it can deliver on its purpose, it is important that it evolves in a way that is genuinely inclusive and meets the needs of all stakeholder groups across all regions, not just in the developed world.

Greater participation across regions and stakeholder groups, and an increased focus on the inclusion of multidisciplinary stakeholders, will drive better outcomes grounded in the needs of all communities. It will also mean these outcomes, when reached, are genuinely feasible, and are received with greater acceptance and support.

auDA considers the best way to do this is with a shared focus on equal multi-stakeholder participation, accountability, consensus-building and prioritising outcomes that best serve internet users over those that serve private interests, or the interests of a single stakeholder or stakeholder group.

Ensuring equitable participation by all stakeholder groups across all regions will be critical to maintaining the legitimacy of multi-stakeholder governance and countering real or perceived preferencing of Western private sector interests.

Delivering broader and more equitable participation would be a significant change, requiring consideration of the ways that processes and organisations work, and the provision of new financial resources to support up-skilling and time to participate by a broader and more diverse range of people who could then meaningfully contribute effectively to the work of internet governance.

Call to Action 3: auDA recommends a significant uplift in the resources applied to capacity building and to enabling participation in regional and global internet governance processes, to support greater diversity in participation. In particular, the technical and business communities should commit additional funding, in partnership with governments, to helping ensure this outcome.



6. Global goals for the internet supporting sustainable development

There has been early <u>discussion</u> led by Lise Fuhr, a technical community representative on the UN Secretary General's <u>IGF Leadership Panel</u>, on developing global goals for the internet that could connect work in the internet governance system to the UN <u>Sustainable Development Goals</u> (SDGs).⁶ The rationale is that the SDGs are widely understood, and that achieving them should be the concern of the whole global system, including internet governance.

Even though the internet is recognised as a critical enabler for achieving the SDGs, there is little connection between the SDGs and the goals for the internet governance system. Combined with a broad lack of wider understanding of the governance system for the global internet, the current moment creates a big opportunity to give stakeholders – crucially including governments – new ways to set out the challenges that digital technologies and the internet need to address.

Developing a set of agreed common global goals with an explicit connection to the SDGs would elevate the importance of technology in today's social, political and economic environment and articulate shared objectives. It could also shape the future development of the internet to better support the agreed ambitions for global sustainable development, and to retain or improve on the enduring values and characteristics that support an open, free, secure and globally interoperable internet.

Discussion about the utility of such a goals framework could happen at the IGF, and could happen at the proposed NetMundial+10 event we mention in section five, above. Its development would need to occur in a multi-stakeholder fashion, consistent with the norms of internet governance practice.

The elaboration of such goals would help close the perceived gap between public policy and digital technology, ensuring the latter develops in directions and through approaches that serve the interests of the public effectively.

A consequential consideration for further discussion would be ways to develop multi-stakeholder dialogue and discussion on methods to achieve the goals proposed, where this isn't simply achieved by changing the work of existing institutions. A sharper focus on policy, operational or normative proposals to address the shared challenges identified would strengthen the internet governance system and its contribution to broader digital governance.

Call to Action 4: auDA seeks to foster dialogue on the development, through new or existing **multi-stakeholder processes**, of overarching goals to guide the development of the internet and the digital sector in a direction that supports achievement of the SDGs.

⁶ The SDGs are a set of 17 goals outlining a blueprint for peace and prosperity, which were adopted in 2015 by all UN Member States in 2015. Governments report progress against achieving the goals (Australia's is <u>here</u>) and <u>KPMG says</u> around 40% of the world's largest companies also include SDGs in their corporate reporting.



7. Technical community leadership: time to raise our voice

auDA considers the technical community must play a key role in efforts to evolve the multi-stakeholder system of internet governance. As a community, it has a unique and essential contribution to make in governing technology. This perspective comes its focus on ensuring the continued operation of internet technologies in a way that reflects the open, scalable, accessible principles upon which the internet was established. The technical community is uniquely placed to provide advice on the implications of policy changes on the operational aspects of the internet.

With so much planned government activity in the next few years that could significantly alter the current governance system, as outlined in Section Three, the technical community needs to step up and lead the discussions - or risk being side-lined entirely.

The technical community has the expertise to proactively lead the global conversation on digital cooperation and evolution of the digital governance structure and it has assumed this responsibility in the past.

For example, following the Snowden disclosure of the extent of the US surveillance program in 2013, the leaders of the I* organisations signed the <u>Montevideo Statement on the</u> <u>Future of Internet Cooperation</u> expressing strong concern over the undermining of trust and confidence of global internet users, and highlighting the need for ongoing effort to address internet governance challenges.⁷

The Snowden disclosure amplified the concerns many governments held about the US Government's unique role in relation to the internet, so it is unsurprising that the I* leaders' call to globalise ICANN and Internet Assigned Numbers Authority (IANA) was where the global community focused its attention.⁸ The work undertaken across the ICANN community to develop and reach

The regulatory challenge

Governments have demonstrated their readiness to regulate and seek multilateral agreements to govern the internet. While generally well-intentioned, some government interventions do not fully consider the technical realities of a globally interconnected infrastructure. A regulatory measure in one jurisdiction can have flow on consequences for service providers and end users in another jurisdiction.

We recognise there may be times when a regulatory response is the best way to address a particular policy concern, however, we consider multi-stakeholder cooperation a critical element in avoiding regulatory duplication or fragmentation.

Global solutions to the problems associated with a global internet must be sought and found. If not, there is a real risk that conflicting laws will be implemented in different nation states, with negative consequences for the internet's global interoperability. also preferable to avoid one jurisdiction becoming a definer of global internet public policy, taking over a role the internet governance system should preferably play.

consensus on an IANA stewardship transition proposal in 2014-16 (away from the U.S.

⁷ The <u>Montevideo Statement</u> was signed by the leaders of ICANN, the Internet Society, the Internet Engineering Task Force, the Internet Architecture Board, the World Wide Web Consortium and all five regional internet registries.

⁸ As set out in 1998 in its <u>Statement of Policy on the Management of Internet Names and Addresses</u> the US Government did not intend to retain oversight of IANA permanently.



government's contractual control to a multi-stakeholder framework within ICANN) that broadly met the objectives of all stakeholder groups is a positive example of what can be achieved through multi-stakeholder collaboration.

However, with the IANA transition completed in 2016, and with the period of the COVID-19 pandemic having absorbed time and attention for several years, auDA considers it is now time to focus on another important commitment from the Montevideo Statement: catalysing efforts towards evolving global multi-stakeholder internet cooperation.

In the years following the Montevideo Statement, there was some effort to provide coordinated technical input to internet governance processes via the <u>Internet Technical Collaboration Group</u>, facilitated by the Internet Society. This Group provided written submissions on developing internet governance principles, developing meaningful multi-stakeholder mechanisms, the WSIS+10 review and the Global Conference on Cyberspace. Its last published submission was in 2015.

auDA considers it vital that technical community organisations re-establish and invest in high level collaboration to develop a shared analysis of how to develop the internet governance system. Collaboration will build the foundation of shared analysis and effective advocacy required. Whatever the mechanism, whether new or existing, it must include participation from all regions and all the diverse elements of our community.

On a foundation of renewed collaboration, the technical community can support efforts to evolve multi-stakeholder internet cooperation by:

- ensuring better coordination among existing organisations in the internet governance ecosystem
- strengthening collaboration between policy and technical stakeholders to facilitate better understanding, and
- advocating for coordinated technical community input into public policy and multilateral discussions and decision-making.

In addition to effectively institutionalising renewed collaboration, auDA considers a welcome contribution from the technical community would be to develop and fund a new interface between technical and government stakeholders, to more effectively bring our community's insights to bear in broader internet and digital policy discussion and decision-making.

This could happen within or alongside the IGF, allowing for joint discussion of policy issues and ensure a technical perspective is part of these. Beyond being an interface to contribute an internet governance and technical perspective to broader digital policy issues, such an interface entity could consider issues related to the broader internet governance system, such as:

- Which issues are internet governance issues, which are not, and how do we decide
- Whether new mechanisms are required to address emerging issues that are not being adequately addressed
- How to ensure multi-stakeholder processes are globally representative and not dominated by developed countries



• Possible next steps in the continuous improvement of the system.

Call to Action 5: auDA recommends renewed cooperation and collaboration between internet community organisations to foster trust and shared insights to apply to the global dialogue on digital and internet governance. This would support the technical community to be recognised and act as an integral, essential stakeholder group and contributor.

Call to Action 6: auDA recommends development of an interface to bring technical community insights and perspectives to the table in broader digital policy dialogues, located within or alongside the IGF.



8. Institutional innovation and development

The internet governance system of institutions in place today is focused on the set of issues that were evident when they were founded. Some dialogue focused institutions like the IGF have developed over time, as have some decision focused institutions like ICANN.

There is a continued need to ensure existing institutions deliver on their mandates and roles, and that their working methods keep evolving to ensure they can work effectively and maintain the necessary balance between stakeholder groups and interests.

As one example: auDA supports the IGF and believes its mandate could be extended. We recognise that discussions at the IGF can be unbalanced, with civil society participation significantly outnumbering government and the private sector. We consider an issue-specific expert stream could help rebalance the IGF. It may also be timely to look at its mandate, to consider whether it needs to evolve further to develop norms or policy approaches beyond the broadly discussion-based working methods it has used to date.

Where new issues have emerged that are not well catered for by current institutions or processes, new ones may be required. These should be founded on multi-stakeholder principles, consistent with the broader principles we discuss in section four of this paper. They would need to be designed to make sure that they assemble the right stakeholders. They would also need to be created with the right discussion- or decision-based structures to deliver the outcomes needed.

auDA also sees a need to enhance cooperation between stakeholder groups. There is room within the overall multi-stakeholder system for smaller, more focused dialogues between experts. Approaches like this would allow non-government stakeholders to better understand the concerns of governments, and would allow governments to better understand the technical implications of proposed regulatory changes, or the impact on business models and flow on effects to end users.

Done well, with a focus on upholding the interests of end users, institutional innovation and the development of dedicated issue-specific dialogues (e.g. the work of the Internet & Jurisdiction Policy Network or the DNS Abuse Institute on DNS abuse; or a yet-to-be-developed approach on AI governance) could provide an opportunity to solve problems. For issues where regulation is required, such a dialogue could encourage harmonised regulatory approaches and help prevent regulatory fragmentation. Focused expert dialogues could take place as a stream within the IGF.



What is the alternative?

If the multi-stakeholder governance system is to remain a viable alternative to multilateral governance, it must evolve in a way that can effectively deal with the challenges that will continue to arise as our use of the internet evolves. If it is unable to adapt, calls for the UN to govern the internet will only grow louder. The UN is already significantly involved in internet-related discussions and processes, presenting many opportunities for some states to make their case for a greater role for governments:

- The International Telecommunication Union (ITU) has made several internet-related resolutions and has a dedicated Council working group on international internet-related public policy.
- UN Department of Economic and Social Affairs (<u>UNDESA</u>), which supports the IGF.
- Commission on Science and Technology for Development (<u>CSTD</u>), a subsidiary body of the Economic and Social Council (<u>ECOSOC</u>) and the focal point for WSIS.
- Office of the Secretary-General's <u>Envoy on Technology</u>, responsible for the GDC.
- The General Assembly, where the <u>cybercrime treaty</u> is being developed through the Ad Hoc Committee, and where the Open-Ended Working Group on Security of and in the Use of Information and Communications Technologies (<u>OEWG</u>), within the First Committee. Several states have used this process to call for multilateral governance of the internet.
- UN Educational, Scientific and Cultural Organisation (UNESCO)
- Conference on Trade and Development (<u>UNCTAD</u>)
- World Intellectual Property Organisation (<u>WIPO</u>), where following years of negotiations at ICANN, governments have raised within WIPO discussions on the use of geographic place names and geographical indications as domain names.

9. Conclusion

It is an oft-used phrase, but the internet governance system and the wider arena of digital governance are at an inflection point. By working together, we can shape and secure the future of the internet and an effective, sustainable and legitimate internet governance system – one that is best placed to make a real contribution to broader questions of digital governance and policy.

The time to act is now. The concrete proposals in this Roadmap are auDA's contribution to the discussion. Where consensus emerges around steps the community should take to improve the internet governance system, auDA will contribute to that work.

10. Have your say

This paper represents auDA's preliminary positions to improve global internet governance. We welcome your feedback. Contact us at <u>internet.governance@auda.org.au</u> or track our work on internet governance <u>on our website</u>.