THE CASE FOR NATIONAL INTERNET GOVERNANCE MECHANISMS

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In its report, the Working Group on Internet Governance (WGIG) suggested that Internet governance mechanisms need to build on policy coordination at the national level and can only be effective if there is coherence with regional, sub-regional and national-level policies. Towards this end, the WGIG recommended that coordination be established among all stakeholders at the national level and a multi-stakeholder national Internet governance steering committee or similar body be set up. Such national committees or other institutions could in essence be microcosms of international mechanisms like the proposed Forum, displaying a multi-stakeholder composition in the World Summit on the Information Society (WSIS) spirit of multistakeholder partnership. In this chapter I seek to underscore the important role such institutions could play, particularly in developing countries. I will describe an already existing best practice model and then consider some challenges to be overcome in the establishment of these committees.

The Current Lack of National Internet Governance Arrangements

The effective and meaningful participation by developing countries in global Internet governance (IG) is a major challenge, aptly recognized in the stipulations of the closing instruments of the first phase of the WSIS as well as in the WGIG report. The WGIG report identified, inter alia, lack of capacity building, costs (frequency and location of venues), and lack of transparency, openness and participatory processes as some of the contributory factors. In most developing countries at the moment there is no structured or institutional mechanism at the national level to resolve these issues identified by the WGIG.

Some countries undertake some Internet governance activity to a small extent by running Country Code Top Level Domain (ccTLD) administrations, although quite number lag behind even in this basic activity. Some also participate in varying degrees in the activities of the Internet Corporation for Assigned Names and Numbers' (ICANN) Governmental Advisory Committee (GAC), attend international forums such as those organized by the International Telecommunication Union (ITU), and have a regulatory regime for the Internet services sector. Nevertheless these efforts can be characterized as being disparate, uncoordinated and not involving all stakeholders. The national Internet governance regimes in most countries at the moment do not meet the WSIS criteria of being transparent, accountable, democratic and involving the full participation of all stakeholders.

It is therefore unlikely that current governance arrangements existing in the developing countries would be a solid foundation for meaningful participation at the international level. This makes it imperative that the WSIS endorse the proposal to set up national Internet governance committees, particularly in developing countries, because the national Internet governance mechanism is required as support for the international mechanism, and the international mechanism should be complimentary to national efforts.

The Brazilian Model

The Brazil model of Internet governance at the national level was presented at a workshop held in conjunction with the WGIG Report release event in Geneva in July 2005. It offers a best-practice model that is worth emulating in other developing countries. The Brazilian Internet Steering Committee was established on May 31st 1995 by an Inter-ministerial Ordinance and altered by the Presidential Decree No. 4, 829 of September 3rd 2003. The Brazilian Internet Steering Committee "is responsible for promoting the technical quality, innovation and the dissemination of the offered services. It is also responsible for assuring fair and free competition among Internet service providers and for maintaining suitable conduct standards fro users and providers.[1]

More specifically the Committee performs the following functions:

Registro.br

Registro.br is responsible for the maintenance and distribution of Internet addresses, domain name registration for the country code domain as well as offering engineering and hosting services for the regional Internet registrar (RIR).

Ptt.br

The steering committee created ptt.br to administrate and run regional Internet exchange points for the metropolitan areas of Brazil, as well as interconnecting commercial and academic networks with a centralized management.

Cert.br

The steering committee maintains a Computer Emergency Response Team that also offers services such as incident reporting, support to network administrators and Internet users in Brazil writes documents in the local language about network security and produces statistics about security incidents and spam. It also maintains an early warning project with the goal of

[1] Brazilian Internet Steering Committee presentation at the post-WGIG workshop 19th July 2005, Geneva. www.wgig.org

identifying new trends and alerting Brazilian networks involved in malicious activities. CERT.br works to increase the security awareness, acts in the correlation of events in the Brazilian Internet and helps the establishment of new Computer Security Incident Response Teams in Brazil.

Statistics and indicators

The Brazilian Internet Steering Committee works in a national project of developing indicators for the Brazilian Internet and to have information on the website about the network growth in the count.

Working Groups

The Brazilian Internet Committee's working groups – the GTER – Network Engineering; the GTS Computer Security; and the GTRH – Training of Human Resources – have been created to provide administrative and operational input for the decisions and recommendations made by cgi.br. Their members meet in periodic events and through mailing lists.

The Committee is a well-structured multistakeholder entity, having representation from government and democratically chosen representatives of the business sector, scientific and technological community and an Internet expert. It gives a good indication of how to address the WSIS objectives, and is a useful microcosm of what international Internet governance should be.

Lessons from the Brazilian Model

So what are the lessons or takeaways from the Brazilian model for other developing countries? Firstly, the Brazilian model provides a useful template in terms of a one-stop solution to the challenge of national Internet governance that can effectively feed, as meaningful and effective participation, into and support international Internet governance mechanisms. Many developing countries lack awareness on the activities falling under the ambit of Internet governance at the national level. Where such activities exist they are often manifested as disparate, uncoordinated and non-integrated. National Internet governance committees can be the basis to create awareness and identify the issues of Internet governance at the national level.

The second lesson that can be learned is that national Internet governance committees provide an effective springboard and framework to address the barrier of capacity building. The WGIG Report is explicit in supporting this view: "Adequate resources have not been made available to build capacity in a range of areas relevant to Internet management at the national level and to ensure effective participation in global Internet governance, particularly for developing

countries."[2] National Internet governance committees can be a vehicle for sourcing and congregating resources towards building capacity, as well as coordinating and prioritizing the application of the resources. This then would lead to effective participation not only at the local level, but at the international level as well.

A third take-away is that national Internet governance committees act as effective incubators for nurturing the multi-stakeholder spirit. Without a mechanism at the national level that brings together Internet governance activity under one roof and involving all stakeholders in a democratic and transparent way, it becomes difficult to envisage the developing countries participating effectively in a manner that meets the WSIS standards on the international stage. As mentioned earlier, what could be described as Internet governance activity in many developing countries is dissipated in uncoordinated, unrelated, often non-transparent, non-democratic and non-multi-stakeholder entities dealing with piecemeal issues like regulating the Internet service providers, running the ccTLD, or participating in the GAC.

Fourth, the Brazilian model presents an opportunity to create a standard for Internet governance at the national level. In existing arrangements, particularly those for ccTLD administration, there is a glaring lack of standardization, since ICANN does not get involved in the administrative of local arrangements of ccTLDs. This has meant, for example, that some ccTLDs are government run, some run by the private sector, and some are shades in-between. Without standardization and benchmarking it is difficult to bring together national efforts at an international level. Since the Brazilian model is a tested and proven it could offer the possibility of being accepted as a standard.

Finally, the Brazilian model shows that a national Internet governance committee can extend its relevance by offering practical services to the Internet community in the country, such as offering emergency response teams, writing documents on Internet governance in languages that the local population understands, formulating and offering statistical services, offering metropolitan and other Internet exchange points and running the domain name and addressing functions. There is proof from Brazil that all these activities can be coordinated from under one roof in a democratic, multi-stakeholder and transparent manner.

Challenges

Setting up national Internet governance committees is not an exercise without challenges. The proposed institutions are, for one, a new way of doing things and resistance can be expected in some quarters. In those cases where ccTLDs are already operational there could be perceived loss of independence if they are to operate under a larger umbrella of a national Internet

[2] Brazilian Internet Steering Committee, pg. 6.

governance committee. In those countries where the multi-stakeholder paradigm has not yet taken hold the new institutions are likely to encounter resistance as well.

It should also be kept in mind that the idea of national Internet governance committees may not appeal to the developed countries, most of which already have established mechanisms in which the Internet is governed within the country. A final major challenge is that the proposed committees currently do not feature in the ICANN structure. ICANN would have to be convinced about the need for these committees, and then incorporate them into its structure.

Conclusion

It is difficult to expect developing countries to participate in a meaningful and effective manner in international Internet governance if they are unable to maintain similar structures at the national level. The international community should therefore endorse the WGIG that countries set up national Internet governance committees or similar mechanisms. If this recommendation is passed developing countries will take Internet governance seriously, first at the national level, and later feed this into international Internet governance mechanisms.

The international community and partners should support the establishment and growth of these committees as one way of ensuring that the benefits of ICT, and the Internet in particular, are enjoyed by all.