

Internet Governance: Time for an Update?

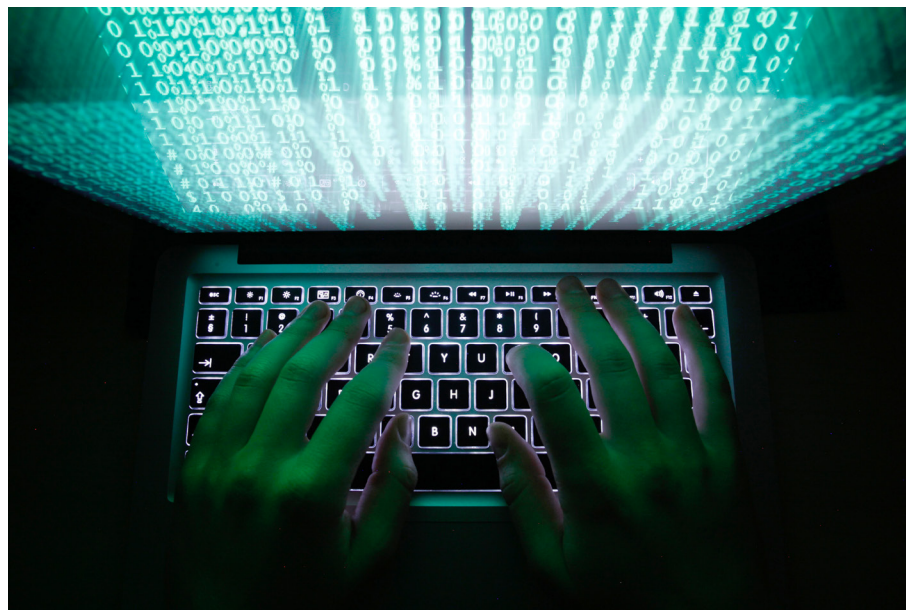
For a long time, the internet represented a global resource transcending national borders. It was the epitome of boundlessness and globalization. But this vision of the internet was shaken to its core by the Snowden Affair in 2013. In the current struggle to reshape internet governance, Switzerland is positioning itself as an important, mediating actor.

By Livio Pigoni

It is estimated that the worldwide business-to-consumer e-commerce sales will increase to USD 1.5 trillion by the end of 2014. Each minute, more than 200 million e-mails are sent, and there are already more web-enabled mobile devices than humans on the planet. At the same time, the internet is confronted with considerable challenges: Surveillance scandals, state censorship, and cyber-attacks threaten not only citizens, companies, and states, but also undermine trust in the global web.

Cyberspace has long become the latest battlefield for international conflicts. Governments are increasingly subjecting the internet, once a space believed to be beyond state sovereignty, to stronger control. To protect themselves against transnational internet threats, many countries are shielding their critical national IT infrastructure better. Defending state interests in cyberspace is also becoming part of 21st-century security policy. But can and should cyberspace be controlled by the state at all? How can the global administration, regulation, and protection of the internet as a societal resource continue to be ensured?

A quarter-century after the invention of the World Wide Web in Geneva, there is a struggle among various actors trying to



The administration of the internet, and cyberspace in general, has become a political bone of contention. *Kacper Pempel / Reuters*

bring the future of this valuable resource into line with their own interests. The affair involving former US intelligence operative Edward Snowden in June 2013 showed that global regulation is constantly one step behind the possibilities for manipulation in cyberspace. Moreover, Snowden's revelations have strengthened the hand of those states that are traditionally opposed to a

US-centered administration of the internet. They demand that internet governance be reformed and advocate more efficient regulation concerning the lawful behavior of governments, the private sector, and civil society in the web. Internet governance (IG) has risen to prominence on the diplomatic agenda. At various conferences, Western states agreed that the internet

should continue to be administered from the bottom up. This means that the current “multistakeholder model”, in which technical, civilian, and state organizations all play their parts as co-determining entities for the regulation of the internet, will continue to be preferred over a top-down, government-controlled structure.

However, this consensus among the Western governments cannot conceal the fact that globally, many governments are opposed to the status quo. Behind the scenes, the current order concerning the internet is challenged by strong rifts. In this clash of divergent interests, Switzerland’s role as mediator is gaining importance.

US-Centered Internet Regime

The beginnings of the internet harken back to military innovation. At the end of the 1950s, the US armed forces aimed at developing a network that would ensure communication between government agencies even during a nuclear war. In 1969, this work brought forth the ARPANET, a largely government-independent, informally structured network that simplified the exchange of research between universities. Since the internationalization and commercialization of the internet in the 1990s, it has been coordinated by a loose network of non-governmental organizations (NGOs) in the so-called “multistakeholder model”. In this system various relevant stakeholders contribute to the

elaboration and implementation of norms for the global internet.

Despite the decentralized regulation and virtual nature of the internet, since its beginnings, some technical functions have remained under central regulation in the US. In particular, by the Internet Engineering Task Force (IETF) and the Internet Corporation for Assigned Names and Numbers (ICANN).

A special role is reserved for ICANN, founded in 1998. As a not-for-profit public-benefit corporation under the laws of California, it is engaged through a number of contracts with the US Department of Commerce. The mandate for what is nominally purely technical administration of the internet does, however, have a strong political aspect. With its control over domain names, ICANN can decide who should be allowed to upload which website. Moreover, ICANN has the authority to block the allocation of new domain names. In order to prevent abuse, critics demand that the IANA functions (see box) should be entrusted to neutral hands.

The Struggle for Net Supremacy

Since the summer of 2013, the revelations by NSA whistleblower Edward Snowden have proven so devastating to the integrity

of ICANN that many states now demand a reform of the IG structure, which – while decentralized in its regulation – is nevertheless US-centered. Essentially, the struggle for the future of the internet is a face-off between two opposing camps: The *first* are the status-quo states that advocate a continuation of the multistakeholder model. These are the so-called “Five Eyes” states (the US, the UK, Canada, Australia, and New Zealand), which are known to cooperate closely in the area of intelligence collection. They strongly advocate an internet that is open, and free from interference by state sovereignty. While they support a reform of ICANN, they wish to maintain the current model.

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The EU, which with its 500 million inhabitants is a crucial actor in debates over IG, also prefers the multistakeholder model over a state-regulated internet. However, some of the major EU states have begun to distance themselves from the US position. For example, leading politicians have proposed to develop an EU-internal internet, governed by a shared EU cybersecurity policy, and an independent European data space. French politicians have written a report on the elaboration of a European internet strategy based on domestically developed software and a European IT infrastructure. Germany, too, despite being considered a close partner of the US, has advocated closer regulation of US activities on the web as well as a more independent IT infrastructure.

The *second* camp consists of those states that were already strongly engaged in “updating” the current order of the internet before the Snowden revelations. These are mainly the BRICS states (Brazil, Russia, India, China, and South Africa). These countries regard the internet as an instrument of political power wielded by the Western states that is in need of stronger regulatory supervision. As they see it, the multistakeholder model is unsatisfactory when it comes to their own interests being represented. Furthermore, they argue, the established order of the internet is no longer adequate to contemporary requirements. Nearly 50 per cent of all internet users today are from Asia, with China accounting for 22 per cent of all internet users, or more

What is Internet Governance (IG)?

The purpose of internet governance is the “development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.” IG is multidisciplinary (covering technological, legal, and economic issues), geared towards the requirements of multiple stakeholders (representatives of governmental, corporate, and technology sectors), multi-layered (local, national, and global), and covers more than 50 policy fields.

Important Organizations and Functions of IG

ICANN: Its main tasks are the allocation of internet protocol (IP) addresses and the administration of the Domain Name System (DNS) – these functions come under the heading of the **Internet Assigned Numbers Authority (IANA)**.

DNS: This function determines the way in which internet addresses (domain names) are translated into IP addresses, e.g.: www.css.ethz.ch = 129.132.19.217

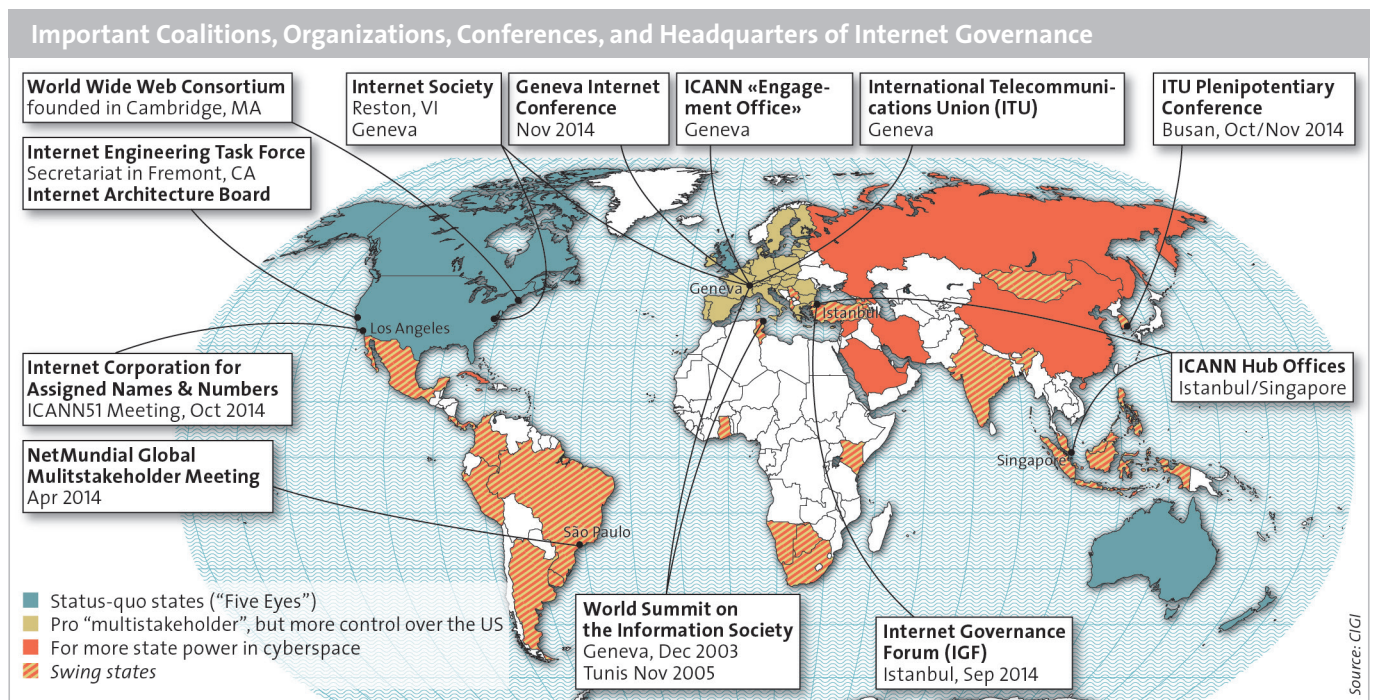
IETF: This organization deals with the technical development and functional improvement of the internet.

Internet Architecture Board: This committee studies the long-term development of internet architecture.

Internet Society: This NGO is responsible for the maintenance and further development of the internet’s infrastructure.

World Wide Web Consortium: An international non-governmental body for the standardization of web application technologies.

Internet Governance Forum: A multilateral IG discussion platform launched in 2005 at the World Summit on the Information Society in Tunis.



than twice as many as the US (ten per cent). In order to overcome such disparities, several countries (especially Russia) are working to stimulate debate over IG in intergovernmental forums such as the International Telecommunication Union (ITU). Other countries such as China or Iran propose that the hitherto strictly advisory role of the ICANN Governmental Advisory Committee be strengthened. Both scenarios would give them more participation and help contain US preponderance.

Within this second coalition, there are two groups of states whose positions are of varying degrees of radicalism: The “censors” (Iran, Cuba, China, Syria, Saudi Arabia, Egypt, and Russia) can be distinguished from the “moderate reformers” (Brazil, India, and South Africa). The former regard the open internet not only as a problem, but as a potential threat to their own political regimes. This threat narrative cannot be reconciled with approaches that envisage civil society’s participation in determining the future of the net. China, for example, is convinced that states should further extend their sovereignty to cyberspace. Through control over its own Domain Name System, the Chinese government is already able today to obstruct access to certain websites. At the same time, the “Great Firewall of China” excludes from the Chinese network those pages that Beijing regards as featuring undesirable content. In

this top-down vision of a controlled internet, states frequently use the internet as an instrument of power to block, monitor, and persecute critical voices.

The “moderate reformers”, also known as the “swing states” (Brazil, India, South Africa, Mexico, and another approximately 25 states) are pursuing a more ambivalent in-

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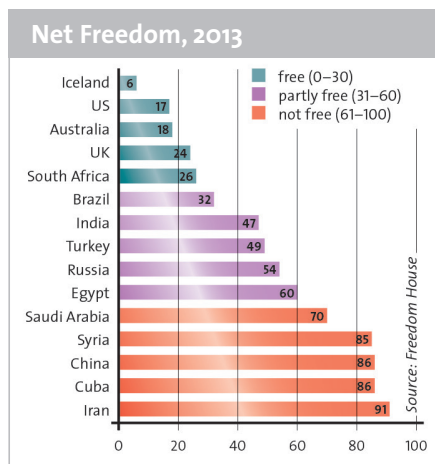
ternet policy. Since the revelations of the NSA eavesdropping scandal, they have advocated more national influence and a more inclusive administration of the internet; however, they pursue strongly divergent interests. While Brazil is not against the multistakeholder approach as such, India is, for example, critical of this model. The behavior of these “swing states” and their decision for or against the multistakeholder approach will have a decisive influence on the future form of IG.

Reform Instead of Revolution

Washington submitted to international pressure in March 2014, when the US Department of Commerce announced that it would make the IANA functions available for new stakeholders after the expiration of

the contract with ICANN on 30 September 2015. In this way, the US would relinquish part of its control over the internet. However, the willingness to globalize this function is better understood as an attempt by the US to reclaim for its camp those states that were initially in favor of the multistakeholder model through a mild reform of ICANN, rather than as an effective inclination to relinquish power overall. The US remains categorically opposed to a multilateral regulation of IANA functions. What can be expected for the period until September 2015, therefore, is not the revolution of a US-centered internet order, as demanded by some states, but a sluggish reform process.

This process began at the NetMundial conference in São Paulo in April 2014. The global multistakeholder conference was geared towards initiating a restoration of IG and formulating universal internet principles. The result was a “multistakeholder document”; its implementation was subsequently debated in a number of forums. The Internet Governance Forum, created in 2005, met in Istanbul in September 2014 to discuss how the multistakeholder approach could be implemented better than in the past. The fundamental resistance of Russia, China, or Iran remained. For the governments of those



states, a “bottom-up approach” is unacceptable, not even a reformed one. But it is not only the “censors” who regard the multi-stakeholder model as the problem, rather than the solution, of the current IG debate. In the West, too, there are voices in civil society that advocate a stronger top-down approach. They argue that commercial IT corporations as well as intelligence agencies have too much power in the web. In order to protect the privacy of their citizens, governments must take firmer control of the internet and exercise leadership in the further development of IG.

The difficulty in the ongoing reform process consists of bringing together these divergent positions. By the end of September 2015, the future trajectory of IG should have become apparent. However, no revolutionary changes in the current system of internet administration should be expected. The US will continue to assert a privileged position within IG, and the internet will continue to be multistakeholder-ori-

ented. The danger, however, is that the absence of a more legitimate, inclusive solution could encourage certain states to promote their own national vision of the internet even more strongly. The introduction of incompatible transfer protocols, for instance, could cause a fragmentation of the internet along technical boundaries. In such a scenario, where communication between different fractional networks is made impossible, it is conceivable that cyberspace could become even more of a place of distrust and confrontation.

Switzerland as a Mediator?

Together with other countries (EU members, Brazil), Switzerland supports a compromise solution between the inter-state and the multistakeholder approaches. It pursues this policy at a number of levels.

First of all, due to the current complexity of the IG reform process, the Swiss government launched the Geneva Internet Platform at the beginning of April 2014. Its purpose is to improve coordination between the various actors dealing with the fields of telecommunication, e-commerce, or human rights in the internet. For the future, too, the aim is to improve cooperation between the various technical organizations such as the Internet Society, the inter-state organizations such as the ITU, and the multistakeholder forums such as the IGF, as this could promote the emergence of new IG regimes.

Secondly, Switzerland is expanding its bridge-building capacities within ICANN. Thomas Schneider of the Federal Office of Communications (OFCOM) was elected at the 51st ICANN Meeting in October 2014 as chair of the ICANN Governmental Advisory Committee. This committee, in which 140 countries are represented, is

regarded as the key platform for countries to make their interests heard. The importance of the Governmental Advisory Committee, which issues recommendations to the ICANN board of directors, is likely to increase in the course of IANA reform. As chair, Schneider will be able to influence ICANN’s agenda. Moreover, he will be able to steer inter-state discussions and act as mediator to ease a search for consensus. The ICANN Board of Directors, too, counts two Swiss internet experts among its members, Bruno Lanvin and Markus Kummer. The election of these three important individuals to positions of global leadership is due not least to Switzerland’s good reputation among many IG actors as a highly trustworthy, neutral mediator, which it has enjoyed since the beginning of the World Summit of the Information Society (WSIS Process) in Geneva in 2003.

Third, Geneva as a location could help staunch the loss of trust in internet governance. Currently, the ICANN headquarters are located in Los Angeles. The organization maintains further “hub offices” in Istanbul and Singapore as well as “engagement offices” in six more cities, including Geneva. The debate over globalization of ICANN might induce a strengthening of those offices. A stronger presence of ICANN in Geneva might impart new stability to the crumbling foundations of IG structure. Whether the US government would agree to see the actual ICANN headquarters relocated to a non-US city like Geneva remains to be seen.

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