

1. Role of governments and other stakeholders

Sustainable governance of the Internet involving all stakeholders is essential to preserve the benefits that the Internet has delivered until now. The Commission believes in a genuine multi-stakeholder where discussions and agreements between governments are firmly anchored in the multistakeholder context, given the reality that the Internet is primarily built and maintained by a variety of non-governmental stakeholders. Any legitimate multi-stakeholder process needs to respect the key principles of good governance, primarily transparency, accountability, and the inclusiveness of all relevant stakeholders. A sustainable model needs to clearly define the roles of actors in the governance process, including the role of public authorities to fulfil their public policy responsibilities not least the need to respect human rights online.

2. What is the current situation?

In general, as a distributed "network of networks" the Internet as such has no centralized governance in terms of either technological deployment or in the development and implementation of policies for access and usage. Each constituent network sets its own policies and each country has the right to define public policies and legal obligations for its own users.

The main exception to this general situation is ICANN's role in relation to the IANA (see other note) and in particular the unilateral oversight over the IANA currently exercised by the US government. The unilateral role historically enjoyed by the USG has not been acceptable to many other stakeholders, not least many third country governments. This discontent has tended to increase over the last decade as third country governments appreciate more the critical role that the Internet plays in global communications networks and services, and generated significant political tensions in relevant inter-governmental fora (e.g. UN, ITU). The recent announcement by the US government to "hand over to the stakeholder community" some of the oversight functions may of course change this picture dramatically. Part of the approach proposed by the USG is to invite the multi-stakeholder community to come forward with a consensual model to facilitate this transition. This will inevitably raise the issue of what role governments should have in any new governance structure for the IANA . This will be challenging for two main reasons:

1) Firstly, the USG have indicated that they *"will not accept a proposal that replaces its role with a government or intergovernmental organization"* and that *"the criteria specified by the Administration firmly establish Internet governance as the province of multistakeholder institutions, rather than governments or intergovernmental institutions, and reaffirm our commitment to preserving the Internet as an engine for economic growth, innovation, and free expression."*

2) the history of the Internet strongly suggests that a large part of its success, and the benefits it has brought to users worldwide, is due to a large degree to the primary role played by non-governmental actors such as the technical community, the private sector, civil society and other constituencies. There are also legitimate concerns among some stakeholders (including EU Member States) that a stronger role for governments may facilitate a stronger role for third countries that do not share EU values in relation to human rights (especially freedom of speech).

3. European Commission's perspective

- The Commission believes however that a "middle way" is still necessary (and possible) in order to recognise the increasing responsibilities that governments have in enforcing the rule

of law on-line. It is also essential to ensure that governance processes are more inclusive than is currently the case, especially in relation to developing countries. The Commission believes that these objectives can be achieved without accepting moves towards inter-governmental control of the Internet or undermining human rights on-line.

- For this reason, it is essential that any future evolution of multi-stakeholder governance structures are based on **clear rules** that explicitly safeguard fundamental rights and EU democratic values.