



Association Française pour le Nommage Internet en Coopération
chargée de la gestion des noms de domaine en *.fr* et *.re*

St Quentin en Yvelines, 28 April 2009

Hearing on Internet Governance arrangements AFNIC statement

AFNIC welcomes the initiative of the HLIIG of organising a Hearing on Internet Governance arrangements, and is grateful to the Commission for the opportunity to express, through this statement, a few considerations related to the themes on the agenda, based on some of the questions raised in the invitation document.

1. Introduction

AFNIC is the registry for the Internet domain names *.fr* (France) and *.re* (Reunion Island).

AFNIC (French Network Information Center), is a not-for-profit organization. It was created jointly in December 1997 by the [INRIA](#) (The French National Institute for Research in Computer Science and Control) and the French Government, represented by the Ministries of Telecommunications, Industry and Research.

AFNIC is an open, multistakeholder, inclusive membership organisation gathering public and private Internet players: users (legal entities and individuals), domain name registrars (Internet services providers), international entities and representatives of government.

AFNIC is a founding member of CENTR, the European organisation of country-code top level domain managers and fully endorses the statement provided by its Board of Directors in preparation of this hearing. The comments below relate only to themes where AFNIC provides additional remarks.

2. WSIS

The Internet Governance Forum must be commended for achieving to bring together the various stakeholders at international level and providing a platform for discussions on the key issues of Internet Governance. AFNIC has taken part in these discussions, and looks forward to the coming meetings to build on these initiatives.

As a recent hearing at the European Parliament demonstrated, there is room for improvement at European level to enhance coordination and cooperation among European stakeholders. A year ago, AFNIC was among a group of French stakeholders who called for the institution of a European IGF¹. We believe the Commission should play a leading role in setting up such a Forum, as it did in past times during the preparation of the *.eu* proposal.

¹ <http://www.afnic.fr/actu/nouvelles/197/le-fdi-la-cnif-l-afnic-et-l-isoc-france-ensemble-pour-une-gouvernance-europeenne-de-l-Internet.html>

Such a Forum would be very helpful to ensure multistakeholder discussions on the new challenges of Internet Governance such as the user's right to access the Internet, the appropriate balance between security initiatives and freedom of expression, the Internet of Things or the impacts of social networks and digital identity management.

3. Security and stability

Given the ever-growing importance of the Internet in the business and social aspects of our societies, it is only to be expected that it is faced with new, significant threats and challenges. Security and stability should therefore remain on top of the agenda for all stakeholders, as it is today for AFNIC as well as for most of its European counterparts.

The distributed model of the Internet and the diversity of actors involved remain a key resilience factor. The EU can play a significant role in enhancing security and stability of the Internet by:

- a) Encouraging best practice exchanges among stakeholders who provide similar contributions to the Internet. CENTR is a good example of such a transnational initiative where registry operators, although very diverse in nature, share their good practices and cooperate. The EU should encourage the similar existing initiatives for Internet exchanges, routing protocol experts or CERTs. The EU could also encourage National regulation authorities and Governments in setting up such exchanges.
- b) Providing opportunities for these different networks of expertise to meet at the European level and update each other on the upcoming threats and challenges. A working group of European organisations involved in the security and stability of the Internet may add a useful layer of coordination among these networks.

4. Role of public authorities

Public authorities are currently involved, in various ways, in Internet Governance. Through various regulations (including the Telecom Package at European level or national laws regarding rights protection or security), Governments in particular are involved in shaping Internet Governance to their local needs.

While this may seem in sharp contrast to some of the dominant principles of the late 90s, it only reflects how much the Internet is part of our societies. As its importance grows, so do systemic risks and it is now widely acknowledged that, should the failure of a key industry player endanger the security of the Internet, public authorities would be "forced" to take over. It is therefore legitimate for public authorities to consider what attitude they should have towards those key Internet players.

However, the last 10 years have demonstrated that successes and failures spread almost equally among self-regulation and government-led initiatives. This experience should lead to the greatest caution before drawing conclusions on the best models. It appears that there is no one size fits all. In particular care should be taken not to change a model that appears to be providing satisfactory results.

One conclusion that can be drawn from past experiences is that governance models that leave aside specific categories of stakeholders (whether from the private sector, individual users or Governments) suffer a higher risk of external challenge, and are therefore the more likely to fail.

5. Accountability and legitimacy

Accountability to end-users is a challenge in all types of organisation. It is a constitutional issue that most democracies try hard to balance with efficiency. The multistakeholder model significantly improves accountability and legitimacy, provided that its decision-shaping and decision-making processes effectively incorporate the various stakeholder's views.

The Domain Name System (DNS) is currently confronted to several key challenges where accountability and legitimacy of ICANN is questioned by some stakeholders. Not surprisingly, the ICANN model has room for improvement, both in its legitimacy arrangements and in its accountability to the community at large. However, no realistic alternative is available yet. And it must be stressed that consistent improvement has been made in transparency and accountability.

AFNIC participated in the "Improving Institutional Confidence" consultations by ICANN and welcomed some of the proposals that were put forward by the Committee, but we still do not see how the end of the JPA would help in increasing accountability and legitimacy of the system.

This is becoming quite a significant issue because decisions on important projects such as introduction of IDNs in the root, Whois policies, or new gTLDs, are constantly delayed due to the lack of consensus and the absence of a mechanism that would lead to a negotiated solution, acceptable to all parties. The delays or absence of decision lead to uncertainties and frustrations among stakeholders, lack of trust, and may ultimately endanger the stability of the governance system.

With that in mind, we believe that additional work should be undertaken in two parallel directions:

- a) improving internal processes and practices within ICANN, especially in the decision-shaping phase
- b) review of the principles and objectives of the current Internet governance arrangements. The US Department of Commerce's White Paper is now more than 10 years old and some of its assumptions may usefully be reconsidered in light of the past 10 years and of the current challenges.

6. Internationalisation of Internet Governance

At the end of the 90's, recognising that Internet's dominant use was no longer among the technical community, but becoming more and more commercial, Internet Governance arrangements were drawn to reflect that new paradigm.

Today, Internet's center of gravity is moving towards Asia, it has become an essential infrastructure for the economy as well as for other forms of social communication. Internet Governance must therefore become more international.

The current situation with regards to the coordination of technical resources is characterised by a strong bias in favour of US stakeholders, due to the unique legal regime on which it is based. While we recognize how difficult and costly this transition would be, we call for the establishment of a diversity of legal regimes for ICANN contracts. We believe that the internationalisation principle outweighs the costs associated to the implementation measures.

An EU-based registrar should not be constrained to enter into a US-based contract to deliver services.

Finally, we would like to highlight the fact that internationalisation should be restricted to the governance of global issues only. The subsidiarity principle should apply as often as possible and only those issues that local policies cannot address should be subject to international arrangements. A mechanism that would incorporate this principle in the current Internet Governance arrangements would be an important step forward.

7. Digital divide

The digital divide is the most outstanding challenge faced by the WSIS process. Obviously, taking the interests of those who don't have Internet access into account in the policy-making decisions is a formidable task. But digital divide is not a binary issue. Between the users who have Internet access and those who don't, a whole range of situations arise: many factors may impact the quality of Internet access, from technical (narrowband, broadband, international connectivity...) to cultural (languages for instance). Building capacity is also a critical factor to bridging the digital divide.

There are many initiatives led by the technical community to build capacity around Internet skills in developing countries. Among them is AFNIC's College International, gathering around 30 organisations from developing countries around the principles of codevelopment, and leading training sessions as well as best practice exchanges and free software development. AFNIC's initiative has recently reached a new level with the launch of its "Fonds du Collège International" (<http://www.afnic.fr/actu/nouvelles/215/1-afnic-cree-le-fonds-du-college-international.html>).

We would welcome an initiative from the EU to identify what kind of support it could bring to such programmes.