The Secretary
Department of Electronics and Information Technology (DeitY)
Ministry of Communication and Information Technology
Government of India
New Delhi

Sub: The Secretary's Letter dated April 16, 2014 as Government of India's initial Statement on the IANA Transition process (DO No L-13014/17/2014-INT. Gov)

Recently the National Telecommunications and Information Association of United States announced[1] its intention to step down from this role of oversight by asking the Internet Corporation for Assigned Names and Numbers (ICANN) to convene global stakeholders to develop a proposal to transition the current role played by NTIA in the coordination of the Internet's domain name system (DNS).

In this background, Government of India has made a Statement on IANA transition from U.S. Government oversight to ICANN, extracts copied below, with our concerns expressed seeking to improve the position of the Government in a manner that it would be more fair and more benevolent:

> The letter stated: *Government of India notes the announcement by the US NTIA of its intent to transition its role on coordination of Internet DNS as a first step in the right direction aimed at attempting to reform one of the aspects of Internet Governance.*

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[1]

http://www.ntia.doc.gov/press-release/2014/ntia-announces-intent-transition-key-internet-domain-name-functions

This letter drafted in diplomatic parlance used the word "reform" which could imply that the Government believes that Internet Governance requires be reformed. Internet Governance is constantly evolving, so our Government could view this development related to the NTIA oversight transition as a step in the right direction aimed at <u>evolving</u> Internet Governance further.

> The letter stated: *In continuation of India's commitment to maintain an open, safe and secure Internet,and as a key stakeholder in the global internet space, India will engage constructively and actively with other important stakeholders to develop a transition proposal that is representative, democratic and transparent.*

The reference to "India's commitment to maintain an open, safe and secure Internet" is very positive. However from the manner in which the word "stakeholder" is used here, it appears that our Government implies that India as a country is a Stakeholder, thereby hinting at an inclination to classify Stakeholders as Nation States (perhaps represented by Governments only) It appears to indicate that the Government of India is proposing Multi-LATERAL form of Internet Governance even as the document features the word "stakeholder".   Such a resistance to the multistakeholder model implies an unwillingness to see the invaluable merits of the multistakeholder model, for the good of the Country and of the whole world, in Internet Governance and possibly beyond.

> The letter stated: *The announcement is a recognition of the widely held view that this aspect of internet Governance, as also others, needs to be made representative, democratic and that inclusive and the institutions responsible for managing and regulating the internet need to be Internationalised.*

The choice of words "representative" and "democratic" are words apparently positive, especially for anyone who does not understand the diplomatic significance of these words in the context of the history of Internet and internet Governance. These words appear to have been chosen to emphasize multilateral governance in place of multi-stakeholder governance. We implore our Government to positively accept that the Internet Governance needs to be a multi-stakeholder process, whereby Civil Society, Business and Technical Community would be stakeholders together with Governments in Internet Governance.

> The letter stated: *India believes that the transitional proposal should have a proper international legislative authority for it to have legitimacy, credibility and acceptability by the international community.*

It would make the average Internet user uncomfortable to sense what is implied by a "proper international legislative authority", especially because it echoes the aspirational position of the International Telecommunication Union or their proponents in the ITU forums. These inputs from the Internet Society India Chennai, towards the end, includes some highlights on the difference between open processes and the ITU processes.

The letter stated: *Efforts to frame a transition proposal are an initial move towards addressing only one aspect of Internet Governance. While India would actively participate in this process, We do not see it subsuming discussions and considerations that are taking place elsewhere in multilateral fora and international mechanism on the management of the Core Internet Resources and on the entire of range of International Public Policies in the Cyber Space.*

It is not clear as to what Multilateral fora is referred to here that the Government of India does not "see it subsuming".

The letter stated: *As We, along with other stakeholders Work to develop a transition plan,ICANN should ensure that the process is representative and democratic. There should be full participation of all the stakeholders in accordance with Tunis agenda.*

The reference to 'other stakeholders', read together with the way the word "stakeholder" is used to denote a whole country in point [1] could mean that India implies "other Governments" here.

It would be for the greater good of the country and for the whole world if the Global Internet is governed by the multi-stakeholder process. We would request our Government to more positively embrace the multi-stakeholder ideals in its position on Internet Governance.

Internet was [invented](#) [and](#) [architectured](#)[2] by the work of the Technical Community; The Internet has emerged as a Global eco-system connecting users from around the world, without any inherent discrimination on economic or social status or geographic origin of the users. Internet Governance is taking shape as a Global process on the [Multi-Stakeholder](#) [model](#)[3]. In Internet and Internet Governance, the stakeholders are Government, Civil Society (representing the average Internet User), Business, the Academic Community, the Technical Community and International Organizations. Multi-stakeholder process is a process wherein all these Stakeholders are seated equally around the table to formulate policy on Internet Governance.

Though the Internet has evolved to connect users globally WITHOUT any form of centralized control, some functions of Internet Governance have been coordinated by the [Internet Corporation of Assigned Names and Numbers](#)[4] -ICANN- (Names and Numbers), [Internet Society](#)[5] -ISOC- (Evolution, Policy), [Internet Engineering Task Force](#)[6] -IETF- (Internet Technical

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[2] http://www.internetsociety.org/brief-history-internet

[3] http://en.wikipedia.org/wiki/Multistakeholder_governance_model

[4] https://www.icann.org/

[5] http://www.internetsociety.org/

[6] http://www.ietf.org/

Standards by Open, Participatory Global processes) and the Worldwide Web Consortium[7] -W3C- (World Wide Web Standards).

The Internet Names (Domain names such as .com, .net etc.) and the Critical functions related to the Stability and Security of the Domain Names System are coordinated by ICANN as a Global Organization with participation of Stakeholders from around the world. The Internet Numbers (the IP addresses assigned to every Internet Connection) and the Root Servers (Computers that store the 'addresses' of networks and domain names, with hundreds of identical 'mirror' computers around the world) have been managed by the Internet Assigned Numbers Authority (IANA). The functions of IANA[8] have been technically coordinated by ICANN, but these IANA functions have so far been subjected to overall U.S. oversight.

ICANN came into existence in 1998 and it functions as a Global Multi-Stakeholder Organization. Over 100 Nation States are part of the Governmental Advisory Committee and meet three times a year at ICANN; Over 150 User Organizations are part of ICANN At-Large and participate in ICANN policy through the At-Large Advisory Committee as also through the Non-Commercial Stakeholders Group; Business participants, including Internet Service Providers and Domain Name Companies and other Businesses are broadly grouped under the Generic Names Supporting Organization (GNSO); Country Code Domain Names such as .IN (for India), .DE (for Germany), and .cn (for China) participate under the Country Code Supporting Organization (ccNSO); ICANN now has Hub Offices in Los Angeles, Singapore and Turkey and Engagement Offices at China, Belgium, Switzerland, Uruguay and South Korea; Other offices are being planned, possibly including one in India; ICANN has a multi-cultural, Gloabl staff, has a Global Multi-Stakeholder Board.

ICANN has taken shape so well, exceedingly well, in its infancy of its first 15 years of Operations. Further Internationalization and further evolution of its Mutli-Stakeholder model and its Accountability and Transparency mechanisms happen continuously, to address areas of concern in its Governance processes.

ICANN process are Open, Participative, Transparent and in Global Public Interest. Stakeholders from around the world participate with no restrictions on participation in its meetings or in the discussion fora. This is the way ICANN has been governed and it is the way ICANN continues to operate.

The International Telecommunication Union which controls all forms of Communication except the Internet has been vocal about its intent to take over[9] Internet Governance, and some Nation States directly or indirectly express views that are aligned to that of the ITU. Some of the

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7 http://www.w3.org/

8 http://www.iana.org/

9 http://www.circleid.com/posts/20081115_take_over_internet_governace_itu_icann/

proposals from Russia, China and other countries favor a model of Internet Governance controlled by the Governments, and these proposals include creation of Governance mechanisms in the U.N. environment which implies a greater role for the ITU[10], or even directly further ITU's aspirations for a controlling role of the Internet.

Unlike the ICANN processes, the ITU processes are procedurally complex, modeled on Inter-Governmental procedure bound-processes that are not Open but Closed processes. A greater role for ITU would have an adverse impact on Internet architecture, standards and governance, and could negatively alter the very foundation of the Internet.

At present, the Internet offers a level playing field for all users across the world, does not discriminate between a Big Business or a small user, there are no fast lanes for Internet traffic that would, for example, send an email from a Big Business CEO faster than an email from an average user in India. Any individual from any part of the world, or any Business, big or small, can establish any application (for example, a search engine, a shopping portal, or a Social Network or any Innovative Application, without the need for permission from anyone. This is the eco-system of Permissionless Innovation. This eco-system offers the greatest hope for Developing countries like India for progress and prosperity. All this could change if the Internet Governance moves anywhere away from the present eco-system and away from multi-stakeholder model.

Therefore we request India to embrace and strengthen the Multi-stakeholder model and preserve the core values of the Internet for the good of India and the whole world.

Thank you.

Sincerely,

Sivasubramanian Muthusamy
President
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Erode, Tamilnadu, India
10 June 2014
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[10] http://www.circleid.com/posts/20121212_unseen_path_at_wcit_2012_to_create_a_super_sovereign/

cc to :

Hon' Prime Minister, India
Hon' Minister for Communication and Information Technology, India
The Chair, Internet Corporation of Assigned Names and Numbers
The CEO, Internet Corporation of Assigned Names and Numbers.
The President, Internet Society