‘Giving Users a Genuine Role in Internet Governance... particularly within ICANN’
- The Cigref Proposal -

I. Background

ICANN (Internet Corporation for Assigned Names and Numbers), the organisation which governs world-wide internet governance issues, has over the past four years enabled stakeholders to play a part in the consensus-driven decision-making process. Changes are now afoot, with different proposals being forwarded and fuelling the debate as to how the structure might evolve, whether piece by piece or through radical transformation. Three such proposals have been studied in depth:

- The recommendations made by an AtLarge study committee
- The ccTLDs’ intention to create a ccSO
- Icann President Dr Stuart Lynn’s February 2002 ‘Case for Reform’

Cigref is a longstanding member of the Business Constituency and as such wishes to reaffirm a number of principles and make some proposals.

First of all, Cigref issued the following statement in September 2001:

“The role and position of end-users in world-wide internet governance issues must be reasserted and strengthened. Users should play an integral part in research being carried out, and be able to influence any decisions being made.

II. Where do users stand within ICANN?

The roles played by users within ICANN have been called into question.

User companies that have been ‘confined’ to the Business Constituency (one of the seven DNSO constituencies) can only voice their opinions about domain name affairs. And yet they should be able to defend their points of view about all topics under ICANN responsibility, prior to decisions being made by the ICANN board. The different subjects at hand have far-reaching political, economic and cultural impacts, and are far from being merely technical questions (although a technical vision is essential). Two other ICANN support entities outline the technical issues at stake in a knowledgeable and efficient manner. But this vision needs to be combined with (if not approved by) the user-side vision. The role of users must be conceived away from all existing support organisations. Users must acquire a genuine standing within organisations at the head of internet governance subjects. This outcome is both possible and necessary.

Cigref has forwarded the creation of a structure (which could be open to others), which would be responsible for voicing the shared user-side vision of the key subjects on the ICANN agenda.
III. Which users?

Finding an actual definition for the term ‘internet user’ has given rise to major discussions, particularly within the study committee in charge of laying the foundations of a consensus as to the organisation and representation of individual members (AtLarge) within ICANN. The committee has proposed that they be defined with priority consideration for the individual owners of domain names.

Cigref thus suggests that individual users, non-commercial organisations and corporate users (whether small, medium or large corporations) be sorted into 3 separate constituencies and contribute to ICANN work.

IV. What kind of representation?

The debate has often focused on the number of directors that each entity will be able to seat on the ICANN board. AtLarge: 3, 5, 6 or 9 directors. ccTLDs: 2, 3 or 6 directors... But this should ultimately be the consequence of the organisational policy, and of the modes of participation applicable to individuals or organisations that are concerned by how the internet functions, and therefore by the efficiency of ICANN’s action plans.”

V. Analysis of the Stuart Lynn proposal

The following points were stated during the ICANN meeting held in Accra last March:

1. We appreciate Stuart Lynn’s in-depth overview and diagnosis of the serious problems facing ICANN. In general terms, we agree with the diagnosis but have grave concerns that the necessary ‘fixes’ – which we believe MUST BE arrived at by consensus – can be agreed upon in the extremely tight time frame presented, i.e. six weeks from the Accra meeting.

2. We recommend that ICANN continue as a bottom-up, consensus-driven organisation in a restructured format with policies revised to create the nimble organisation that was anticipated when it was founded. Further, we feel that Lynn’s proposed trustee-structure lacks appropriate registrant (AtLarge) representation, and appears to create a “self-perpetuating” organisation leading to a top-down process for selection of all decision makers. Lynn’s proposed structure also lacks appropriate representation from business community end-users which need a voice in ccTLD and gTLD policy and technical matters. We believe that Lynn’s proposal appears to elevate Registrars and Registries to the detriment of the other members of the community.

Finally, we believe that creation and implementation of policy must be separate, i.e. staff should not participate in the policy creation, rather they should only implement it.

3. We generally agree with ICANN’s recently-published Statement of Mission with regard to technical aspects, we believe that ICANN should continue its narrowly defined policy-making scope in-keeping with its original mandate.

4. We believe that ICANN must be appropriately funded to enable it to carry out its Mission and to enable it to staff up to its mandated level. The annual budget must be directly tied to the re-defined Mission, and most importantly, that cash reserves be ensured. Regarding funding ICANN, we strongly recommend that ICANN funding be built on a ‘User Fee’ based on each domain name registered. In this way, end-users themselves will pay for use of the DNS on an annual basis and support the important work of ICANN. This fee is not meant to replace the entire current fee structure, but rather to augment a restructured revenue basis.
5. We believe that transparency is paramount and support open meeting for most of the ICANN work. However, we further feel that the Board should be given the opportunity to meet in private from time to time to enable all members to express their opinions and participate in Board dialogue and decisions, in a more normal Board environment.

To ensure transparency minutes should be taken at all Board meetings (private or public) and be duly posted on the ICANN site for public review.

Some meeting should continue to be open to the public / stakeholders and that public input sessions continue at regular ICANN meeting.

Having taken these elements into account, Cigref suggests the following organisation and will be happy to receive feedback from other BC members and other internet governance stakeholders.
This organisation would retain the figure of nineteen elected board members, alongside the ICANN CEO, and chairs of the GAC and IAB.

The two major differences as regards Stuart Lynn’s proposed re-structure would be as follows:

- Users are given a major say in ICANN affairs, with operations thus becoming more user-focused. This would be a logical development, as users look to the internet as an enabler of their everyday activities, whether for business or not-for-profit purposes. Those in charge of the technical aspects of running the internet would also be elected to the board, but in conjunction with end-users. This would be a constructive, democratic checks-and-balances system.

- This matrix-based approach would enable internet governance issues to be tackled by a wider spectrum of players. Although at first sight complex, it would be relatively straightforward to implement, making for far easier co-ordination of relations between different parties, whether technical or users, on horizontal and vertical levels. Indeed, users would thus be able to contribute to work being carried out across all domains of internet governance, and would no longer be confined to influencing domain name issues alone. Technical players would also have much to gain from being able to exchange with users.
To stand up for these ideas, Cigref is playing an active role in work being done by the Business Constituency and ICANN. And to consolidate the voice of end-users in the realms of internet governance, Cigref has set up a co-ordination group bringing together organisations that represent corporate users. Cigref works closely with MEDEF, Inforep, CCIP, ISO C, ACSEL. So that the internet becomes everyone’s business...

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Sébastien Bachollet  sebastien.bachollet@cigref.fr
Deputy General Manager, Cigref
Club Informatique des Grandes Entreprises Française  www.cigref.fr