

**PARLIAMENTARY OFFICE FOR THE EVALUATION OF SCIENTIFIC AND TECHNOLOGICAL
CHOICES (OPECST)**

Global Governance of the Internet

**Public hearing of Thursday 8 December 2005, organized by
Mr. Claude Birraux, Deputy for the Haute-Savoie, Executive Vice President of the OPECST,
Mr. Jean-Yves Le Déaut, Deputy for Meurthe-et-Moselle, Vice President of the OPECST**

On the initiative of Messrs. Claude Birraux and Jean-Yves Le Déaut and on the recommendation of the Parliamentary Office for the Evaluation of Scientific and Technological Choices (OPECST), a public hearing was held on 8 December 2005 by the OPECST a few days following the second phase of the World Summit on the Information Society (WSIS) in Tunis initiated by the UN, a theme of which was the global governance of the Internet. The hearing brought together four categories of players – public authorities, scientific and technical organizations, businesses and Internet users – according to the principles established under the framework of the WSIS.

Four series of speakers participated in this day's hearing chaired by Mr. Pierre Cohen, Deputy and member of the OPECST, Mr. Claude Birraux, Mr. Pierre Lasbordes, Deputy and Vice President of the OPECST, and Mr. Jean-Yves Le Déaut.

The French and European positions defended during the previous negotiations a few days earlier were officially presented by Mr. Jean-Michel Hubert, representative to the WSIS, and Mr. Peter Zangl, representing Mrs. Viviane Reding, European Commissioner for the Information Society and Media.

Summary

The issue of the global governance of the Internet comprises two main themes: on the one hand, the technical management of the Internet which is centred on questions relative to the naming and addressing of websites and the role of the United States in this management and, on the other hand, the manner of solving a whole series of problems having to do in particular with protecting privacy, fighting cyber-crime, and intellectual property rights. Nevertheless, we should ask ourselves if these two themes are truly separate or if in fact a link exists between them.

The failure of .xxx concerning pornographic sites, the proposal for which was blocked by the American veto, well illustrates that a link exists between the Internet's technical governance and “public policies”.

But must questions raised by the management of the Internet's technical infrastructure be treated differently than those raised by its use?

Do the Internet's technical characteristics justify the drawing up of specific rules governing its use and punishing abuses?

Over the course of the various presentations, the cybernetic framework of the debate on the global governance of the Internet – in which technical, social and political issues are all closely linked - came slowly into focus.

The context of the debate on Internet governance

What is our vision of the Internet? Is it only a tool? What are the main observations that today can be made concerning its development? How might it evolve?

↳ *The Internet's "socio-technical" dimension*

The Internet is supported by a technical infrastructure and functions thanks to such essential resources as IP addresses, domain names and root servers. But while the subjects of naming, addressing, and the number and distribution of root servers, as well as the management of their files, were often brought up during the hearing, the technical dimension of the Internet is now considered in the context of its social implications.

The Internet's social dimension was even given greater importance than its economic impact, even though information and communication technologies supported by the penetration of the Internet together constitute "the most important factor for economic growth and competitiveness, and therefore for our economies' jobs".

In this manner, this social dimension would seem to give the Internet a new "strategic" dimension that was first recognized a few years ago and has been reaffirmed today.

"The Internet is not only a technical tool, but also serves man and societies." A "mythical Internet object" does not exist; we should instead be considering "citizens who want to communicate with one another." "The Internet is not only a tool, but also a socio-technical system."

Therefore, the Internet is a "social technology", a means of communication (of more than just information), a "free network", a "support for innovation" and creativity, and a "tool for citizens to express themselves".

The Internet is also "a global memory where everything remains under control" and remains for many adults a "non-identified technical-political or socio-technical object".

In any case, it is not "a virtual world cut off from reality", as is shown, for example, by "the reality of racism on the Internet" and the incitements to violence appearing on the Web "in real time" and linked to specific events. In addition, it is the connection data that enable us to establish a link between the real world and the Internet; their storage and accessibility "constitute the two pillars of an Internet governed by the law", in the words of one speaker.

A "citizen-based Internet", that of blogs, Wiki, P2P and glogs, coexists with a "wild Internet", that of viruses, spam, hackers, pirates, censoring and terrorism.

These new visions of the Internet give particular value to two elements: on the one hand, the "receiver", this "intelligence" that unfolds "on the network's edge", this user, consumer and citizen who "must be respected" because "the network links together humans rather than computers"; on the other hand, the "rising bandwidth" which encourages exchanges, the "information going back up", "the collaborative or collective intelligence", the "everything towards everything".

↳ *A qualified report*

While the hearing recognized the Internet's enormous “potentialities”, it also touched upon numerous concerns: procuring, paedophilia, aggressive marketing, racism, threats to public order, spam, consumer “profiling”, privacy violations, use of personal data, fraud, content filtering, user surveillance, and a lack of software transparency.

Similarly, while the Internet has enjoyed spectacular growth over the past few years, the digital divide – both economic and cultural in nature – remains a major concern.

Also, while the manner in which the network's essential resources are managed has undergone significant improvement since 1998 - with the creation of the Internet Corporation for Assigned Names and Numbers (ICANN), the establishment of regional registries, the spreading of the “Any cast” procedure allowing for the copying of root-server files (100 servers spread out over 35 countries), and competing registration systems – the effects have yet to be felt. The hearing participants regretted the fact that 80% of IP addresses are to be found in the United States due to a lack of Ipv4 addresses, the obscure criteria used by the Internet Assigned Numbers Authority (IANA), the position of the VeriSign company that manages the *.com* and *.net* domains and the delayed authorization to use the *.eu* (which represents a potential competitor), the influence of the US Commerce Department, and the management of 68% of domain names by American companies. The speakers also criticized: the system's “mysterious functioning”; the limited mobility provided by the current infrastructure which represents a “new taboo”, even though its security is “zero” and that “confidence” would seem to have been sacrificed in the name of profit; the use of an alphabet without accents and spacing and with a strong “Anglo-Saxon” connotation, while progress made in terms of multilingualism were not carried out under the impetus of ICANN; the lack of a website directory; the imperfect manner in which states are represented within ICANN, which includes only 80 countries, etc.

What's more, the network's interactivity remains “modest with regard to cultural diversity” and efforts must still be made to “put an end to interactive solitude”.

↳ *Promising or menacing prospects?*

The speakers evoked some of the possible evolutions.

Today's one billion Internet users will soon number three billion thanks, in particular, to the development of inexpensive technologies.

This growth will be joined by an “explosion” in the number of objects and documents attached to an IP address. The growth of “communicating objects” - the “Internet of objects” - will necessitate the development of a naming system already foreshadowed by the creation of the Object Name System (ONS) controlled by VeriSign which manages the *.com* and *.net* domains - in other words, the majority of the generic domain names of the Domain Name System (DNS). The ONS will engender governance problems that are much more difficult to solve than those of the current DNS which “works well”. While the Web and email currently constitute the greater part of the Internet, in the future we can expect “communication between machines and objects”.

This evolution will be made possible by the spread of the IPv6 protocol, while the current version (IPv4) only allows for the management of the shortage.

Convergence will become a reality with the Next Generation Network (NGN) which combines voices, fixed and mobile images, and data. The ENUM protocol already allows for the adoption of shared principles for the assigning of different address, telephone and electronic resources.

Changing technology will allow for increased interaction between the Internet and traditional means of telecommunication, in particular with speech via the IP and broadband. We would therefore be heading towards a “completely IP infrastructure” and IP technology is in the process of becoming “the main support technology” for new and traditional communication services between persons. But convergence is also “television via the IP” and “Internet via the television”.

Cultural diversity will constitute a new challenge for the Internet of tomorrow. Does the new agreement on cultural diversity represent “the beginning of the mess” on the Internet, forcing each user to respect the language, culture, philosophy and religion of others? How will the communication between persons of varying opinions be managed? What will tomorrow's Internet be like if “there is no universal cognitive system”?

Moreover, will we witness a worsening of “risks”? According to one speaker, we will be confronted with increasingly serious and frequent threats to individual rights, in particular those of children. According to a second speaker, our society risks becoming a “society of surveillance”. Will we be able to navigate safely between the threats of a “totalitarian or bureaucratic drift” on the one hand and the dangers of an “anarchical drift” on the other, while the current commercial drifts threaten to change the very “nature of the network”?

However, as one speaker observed, while international convergence can readily be seen at an economic or technical level, in those domains concerned with human rights we are confronted with disparate national legislations.

This is in line with the observations of another speaker, who argued that “men are always ready to negotiate the economy, but not culture”.

The themes of the debate on the global governance of the Internet

During the hearing, three main themes could be identified.

↳ *The political or technical level?*

Has the Internet been dominated for too long by exclusively technical or economic considerations?

The second phase of the WSIS established the principle of a political rather than technical or economic governance of the Internet, which had been favoured up until then. The hearing's speakers generally supported the idea of a political reappropriation: we must raise “the debate to the political level”, put an end to the exclusive monopoly of the “experts”, and learn our lesson from the “technological illusion”. For the European Union, the technical question is neither the exclusive nor the main issue at hand: “naming and addressing are far from being the most important considerations; the key elements of Internet governance are security, stability and fighting crime”, as are the respect of fundamental rights and multilingualism.

The results of the second phase of the WSIS reflect this orientation. On the one hand, the principle of internationalization is manifest in the refusal of seeing a single country – as it happens, the United States – occupy a preponderant position in the management of the system, the willingness to balance the representation of the various states, and the concern to give the governments - currently confined to occupying “advisory or on-demand” positions - more extensive powers. On the other hand, the principle of non-interference in the management of a country's code is in line with the principle of state sovereignty.

Is the expression of this political will limited to technical governance and ICANN's operating rules? Or will we witness, thanks to the World Forum and the strengthened process of cooperation, the formulation of a political project for the Internet? Will this allow us to answer the questions: "Networks to do what? For whom? For which projects?"

However, this political dimension is not obvious.

Various voices were therefore raised during the hearing to affirm "the priority of technical resources - the rest does not fall under Internet regulation -" and to "give technologists the opportunity to speak", but also to underline the fact that all "technical players", including Internet service providers (ISPs) and connectivity operators, must be represented.

In addition, the mechanisms established within the framework of the WSIS remain rather vague. The assertion that the World Forum will be concerned with "everything except technical issues" must therefore be verified.

Finally, the line between political governance and economic governance is not perfectly clear. Do the powers currently enjoyed by the United States reflect political domination or are they the result of this country's economic power in the Internet, computer science and telecommunications sectors? Isn't the length of data storage, which is an important issue for the security and protection of these same data, determined according to strictly economic considerations which take into account the procedure's impact on billing and therefore on costs?

↳ *The international and the local*

Of course, during the hearing, the importance of defining international standards was emphasized, as much in the domain of data protection as to strengthen judicial cooperation for such instances as when a site is "hosted in China and its name is purchased in California by a Russian citizen".

Nevertheless, "the global issue of international governance does not rule out a local commitment" and the success of those actions established at the national level depends on the national presence of a strong, structured industrial sector, it being observed that the majority of operators, providers and content editors are French.

While only one speaker touched upon the "regionalization" of the technical system, several speakers emphasized the necessity to promote and make the most of and promote at the international level "the French regulatory experience", in particular when supported by partnerships, such as "citizen-based Internet regulation".

↳ *Bottom up or top down?*

ICANN operates according to the "bottom up" principle, with the decisions meant to be taken after a lengthy consultation of the "bottom", or even under its impetus.

But while, in this domain, there would seem to be a tendency to strengthen state influence, in the non-technical sector of Internet governance, the effectiveness of unilateral action is being questioned and dialogue favoured.

"Regulation cannot do everything" and we must "break from the traditional system of legal regulation" in order to establish a system of "cooperative regulation", a concerted effort uniting public authorities, Internet users and businesses.

In this manner, the quality “family” label was established and a “citizen certificate” is being drawn up to fight cyber crime.

Because “no one person is right” and because the legal standard can at times be “too abrupt” and too quickly outdated by technological changes, “co-regulation” - based on partnerships between the private and public sectors, as well as between the private sector and civil society - is presented as the appropriate solution. With the participation of the ISPs, various tools have therefore been made available to users in the areas of fighting cyber crime (on-line notification), child protection (the “Net + sûr” label), and fighting spam (“spam traps”).

The conditions for a global governance of the Internet

Even if “governance is not an end in and of itself”, the general opinion is that the “process must be pursued”. The “mixed” and “muted” results of the second phase of the WSIS are “but one stage in a long process”.

Its success depends on various factors: an informed public, a mobilized Europe, and monitoring at the national level.

↳ *Informing the public*

This “need for accompaniment” was principally felt with regard to the family. The Internet control tools available to parents are essential, but “awareness” actions must also be undertaken so that parents realize the dangers that exist, make effective use of the tools available, and adopt “new individual and collective behaviours”. From this point of view, resorting to “labels” is necessary but insufficient.

However, the task proves to be a difficult one because “families want neither instructions nor laws, but rather explanations and references”. “Developing educational methods for the information society”, such as “building an information-society civility”, depends on the spread of a “scientific and technical culture” that is still lacking and educational measures capable of guaranteeing each and everyone a “cultural and technical mastery” of his/her environment.

↳ *Mobilizing Europe*

The hearing clearly asserted Europe's role: “Europe must act as a source of proposals and recommendations”; the European countries must first be coordinated before passing on to the world-wide stage; we must establish a “strong European position” and ensure the presence of European players, in particular economic players, within the various bodies managing the Internet.

Its position is strengthened by “the arrival of Europe on the domain-name scene”, with the .eu domain, and by its balanced approach seeking to both guarantee security and protect Internet users' liberties.

But shouldn't this European commitment be the result of a national process? Shouldn't we adopt “a coordinated French, and then European, position” and shouldn't the “dialogue” take place both “within each state and at the European and international levels”?

Shouldn't we also have spelled out more clearly the European positions, such as our rejection of the principle of content regulation and our affirmation of the principles of free circulation and access to information, so as to avoid any misunderstandings?

Finally, can the desired continuity between the national, European and international levels be limited to the organization of “forums” at these different levels?

↳ *Organizing a monitoring system*

Continuing the action undertaken in both time and space: it was in this manner that the idea of a “follow-up” was principally evoked.

Several speakers therefore underlined the importance of “political monitoring”, especially by the parliamentary bodies, such as the need to pursue an “evaluation of the impact of legislation” in the affected domain and of the “numerous public and private measures” that have already been undertaken, as well as the need to discuss problems in a “global manner”.

In addition, various speakers pointed out that the credibility and effectiveness of the French and European action are directly dependent upon France and Europe's capacity for innovation and research. On this subject, various questions remain. Is Europe capable of developing systems that can compete with those currently dominating the market? Doesn't the .eu domain depend on “contracts established with American companies” and doesn't it reproduce the very same defects we're confronted with today, in so far as it is not a “multilingual domain” and doesn't define “a space of confidence”?

The political, economic and social issues related to the global governance of the Internet must not cover up the scientific issues. For this reason, sustained research activities are needed. One speaker therefore emphasized that while research may be “abundant”, it remains limited to a race for “gadgets” and the fight against piracy, while questioning the current architecture has become a “taboo”. Another speaker insisted on the necessity to develop research in the scientific and technical domains, as well as in the social sciences, so as to better inform the public decision makers.

To meet this need, the Parliamentary Office for the Evaluation of Scientific and Technological Choices has decided to follow the proposal of its Executive Vice President, Mr. Claude Birraux, to organize a monitoring of the process undertaken for the global governance of the Internet.

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