

Civil Society Statement of Support for IANA Transition

May 23, 2016

Introduction

We the undersigned US and international civil society and public interest groups support and encourage the timely transition of the Internet Assigned Numbers Authority (IANA) functions to the multistakeholder community, as outlined in the Internet community's proposal submitted to National Telecommunications and Information Administration (NTIA) on March 10th 2016.

Civil society has been involved in and following the IANA transition since NTIA's announcement in March 2014 in which the agency communicated the intention to "transition key Internet domain name functions to the global multistakeholder community." Members of our community have been involved in both the Working Group (WG) on stewardship transition and the WG on enhancing ICANN accountability. Representatives from civil society have participated throughout, contributing substantively on a range of issues from the structuring of the post-transition IANA; to working to ensuring the continued stability, continuity, and resiliency of the DNS; to bringing about a commitment that ICANN will recognize and meet its human rights obligations going forward.

When the Internet community came together in Marrakech in March 2016 to endorse and forward the IANA transition package to NTIA, there was consensus that the product of two years of challenging hard work was robust and credible and met the key NTIA criteria. The undersigned civil society and public interest groups believe that the IANA transition is a positive development for the Domain Name System and for the Internet at large, and that the process to develop the transition proposal has been a successful expression of multistakeholder approaches to Internet decision-making.

The transition is important

The Internet has been instrumental in promoting civil liberties and universal human rights, a goal shared by the United States government. As a global platform for the free flow of information, the Internet has facilitated unprecedented expansion of free expression and freedom of assembly & association. Simply put, the Internet has become an indispensable vehicle for the exercise of human rights around the world. The continued functionality of the open, interoperable, global Internet is a top priority shared by our organizations because it is essential to protection of human rights in the 21st century. Our organizations depend upon the stable and secure operation of the Internet to do our work every day, as do the human rights defenders, journalists, and other civil society groups we work with around the world.

Many of the undersigned organizations have worked with ICANN's staff and community on the structure of the transition and are committed to continue holding ICANN accountable to its human rights obligations after the transition. We believe that the multistakeholder model and governance structure of ICANN is the best way to empower global civil society along with the technical and

business communities who have an interest in the free and open global Internet. We believe that supporting the participation in ICANN of a diverse international multistakeholder community that shares a common interest in openness and innovation is the most robust long term strategy for preventing any governments - or other multilateral entities they may commandeer - from steering the DNS in a direction that would be much less supportive of a free and open global Internet. Further, we see this proposal as an effective path to continue stable and resilient DNS administration that supports the interests of public and private stakeholders across societies and industries.

For those reasons, we strongly support the plan to transition oversight of the IANA functions to the global multistakeholder community. The IANA functions, which include management of Internet number resources and the DNS, help keep the Internet global, scalable and interoperable. We believe that executing upon the IANA transition is the best way to ensure the continued functionality of the global Internet and to protect the free flow of information so essential to human rights protection.

Delaying or blocking the transition is not in the interest of stakeholders

The transition of these functions away from the US government removes an excuse for authoritarian countries to demand greater oversight and regulation of Internet issues. Any delay in the transfer of these management functions to the global multistakeholder community could have the effect of undermining the openness and interoperability that has characterized the Internet to date. This is because the open, interoperable, global Internet did not arise out of agreements between governments, but rather through community-led innovative approaches by a diversity of stakeholders. In many ways, this transition is returning the Internet and DNS to the open multistakeholder governance model that characterized and fostered its first few decades of growth.

Failure to move ahead with the IANA transition will empower those who advocate for governments alone to manage or regulate the Internet, without equal involvement of the private sector or civil society. Delay will encourage those who favor a governmental, intergovernmental, or solely multilateral model of Internet governance, whether implemented through the United Nations' International Telecommunication Union (ITU) or some other government-dominated, non-multistakeholder body.

Yet, the importance of the transition to realizing human rights and the empowerment of Internet users around the globe does not seem to be shared by all. We read with concern the mischaracterizations of the IANA transition plan's proposed human rights commitment for ICANN in the May 19th letter from Senators Cruz, Lankford, and Lee to US Department of Commerce Secretary Pritzker and Assistant Secretary for Communications and Information Strickling. While we share the Senators' stated desire to protect Internet freedom, we note that their proposed solution of delaying the IANA transition will unintentionally have exactly the effect they hope to avoid: Delay would incur risk of increasing the role for foreign governments over the Internet and undermine free speech. The suggestion in the letter that the commitment that is sought of ICANN to respect its human rights

obligations “would open the door to the regulation of content” is frankly puzzling and clearly incompatible with the further defined and limited ICANN mission in the transition plan.

The consequence of failure to move ahead with this transition will be to reinforce the power and influence of those who would prefer a less open, less innovative, less global Internet platform. We believe this could have significant implications for human rights worldwide, as well as undermine US interests and values. We strongly believe that the best way forward is to support a strong and accountable multistakeholder system that enables civil society groups, business, and technical community members from all over the world to participate in ICANN independently of their governments.

Conclusion

It is the view of the undersigned civil society organizations that the IANA transition will confirm the legitimacy of multistakeholder approaches to Internet policy and governance, will result in a stronger and more empowered community within ICANN and ensure that the Internet community - and not ICANN or one government - is responsible and accountable for the stability, security and resiliency of the Internet going forward. This multistakeholder transition both protects the Internet and best serves stakeholder interests. Blocking or delaying the transition would strengthen the hand of those who do not believe in or support an open Internet and would encourage further government intervention and control.

Signed,

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Centre for Democracy & Technology

Human Rights Watch

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Ranking Digital Rights (Rebecca MacKinnon)