

Asia's Role in Internet Governance

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SILENT AND INVISIBLE ASIA

Most stakeholders from Asia have not actively participated in the global Internet governance debate. This debate has been shaped by the Internet Corporation for Assigned Names and Numbers (ICANN) since 1998 and the UN Internet Governance Forum (IGF) since 2006. Neither ICANN nor IGF are well received as global public policy negotiation platforms by stakeholders in Asia, but more and more stakeholders in Europe and the United States take both platforms seriously. Stakeholders in Internet governance come from the private sector and civil society as well as the public sector.

SILENT AND INVISIBLE ASIA AT ICANN

ICANN places strong emphasis on the role of the private sector as decision-makers under the U.S. government's leadership. Civil society, led by U.S.-based institutions, together with the private sector, led by U.S. industry, exercise their voting rights at ICANN as global policy-makers for critical Internet infrastructures including domain names; governments have been limited to observing while the private sector generates public policies on their behalf. This private-sector-led global public policy-making process is still revolutionary to all stakeholders, even after this ten-year-long experiment in ICANN. The current hegemonic power, USG, prescribed the rule.

The private-sector-led decision-making process is new to every stakeholder, both in civil society and government. Anglo Saxon countries such as the United States, the United Kingdom, and Australia seem to adjust to it with less resistance. Their previous leadership in disseminating the norm of liberalization as an efficient institution helped both public and private actors to learn more quickly how to work together in a public-private partnership. Many other countries are still in the early or later stage of implementing a liberalization process that is often tailored to their own political and cultural frameworks.

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Despite the popularity of accepting this liberalization process in key industries around the world, many public authorities still perceive private-sector-led decision-making as problematic. More and more public authorities have reasserted their direct control over country-code top-level domains (ccTLDs) regardless of the private-sector-led decision-making rule promoted through ICANN (Park 2008). The British government's recently announced plan to assert control over .UK (Grant 2009), therefore, was a bit surprising given that the United Kingdom has itself promoted liberalization. On the other hand, the British government's reaction to the ccTLD issue confirms its strong desire to remain a key Internet decision-maker, even though it participates in ICANN, whose rules are predefined by USG.

Unlike the United Kingdom, an Internet veteran, most governments in Asia as well as most Arabic, African, and Latin American governments have refused to be a part of the process. This explains why ICANN has not been seriously accepted by governments as a global public policy platform, even though public policies made by ICANN influence Internet users. ICANN successfully held its 36th meeting in Seoul in October 2009. High government officials like commissioners from the Korean Communication Commission came to the ICANN meeting to deliver opening speeches; however, only one or two junior members from the Korean Communication Commission attended the Governmental Advisory Committee (GAC) meeting as observers. Even the host country's government did not consider the GAC meeting important.

Starting with the Sydney ICANN meeting in June 2009, most GAC meetings have been open to the public. According to Janis Klarklins, GAC chair, the Seoul GAC meeting had the largest attendance to date, with around fifty or sixty economies represented. However, several questions remain disputable about representatives who attended the meeting:

1. whether staff from a subsidiary government agency, in the absence of more formal government representatives, should be considered meaningful representatives
2. whether government representatives were senior enough to participate in a meaningful manner
3. whether consultants from the private sector appointed as representatives, in the absence of formal government representatives, should be considered meaningful representatives

Even though the GAC chair expressed surprise, GAC representatives from Asia were silent and invisible during the meeting, except for those from China. Such silence and invisibility on the part of Asia was consistent throughout the Seoul ICANN process, which was driven by private-sector representatives. Asian actors

were silent and invisible at the Generic Names Supporting Organization (GNSO). They were silent and invisible at the At-Large Advisory Committee. They were, however, more participatory and more visible at the Country Code Names Supporting Organization, where each country code is perceived as a sovereign and independent space.

ASIA, IGNORED?

While governments in Asia saw no incentive to participate in the ICANN process as observers, some civil society actors who worked closely with the Internet technical community in Asia were motivated to participate in ICANN decision-making in earlier days. After ten years of the ICANN experiment, those Asian actors are no longer actively participating in the ICANN process. What caused them to stop participating?

Asian civil society representatives were actively engaged with setting up the Non-Commercial Domain Holders Constituency inside the Domain Name Supporting Organization (DNSO), pre-GNSO. It was an Asian names councilor who took the revolutionary step of initiating the first DNSO review process in 2000 through the Working Group Review, despite strong objection by the names council. Under restrictive conditions, the Working Group Review report was completed and submitted to the ICANN board, asking for changes and a further review process. Despite some personal encouragement from the ICANN board, ICANN never seriously looked into the report. Instead, it has taken every possible measure to ignore the Working Group review report, setting up its own Review Task Force as a mechanism to dilute the bottom-up Working Group initiative.

It was Asian private-sector interests connected with the Internet technical community that presented the challenges of creating internationalized domain names (IDNs) in 2000 at ICANN. The Asian Internet technical community also set up the Multilingual Internet Names Consortium to facilitate the IDN policy discussion with ICANN, which was then pursuing an ASCII-only approach.

The Non-Commercial User Constituency is currently effectively managed by opinion leaders who are associated with either American or European culture. They interact with other constituency leaders and members of the ICANN secretariat, who are also predominantly from the United States or Europe. It is natural for them to build their own social space. The leadership of the Non-Commercial Domain Holders Constituency from 1999 till 2002, on the other hand, was more internationally represented. Such diversity often led to disagreement among different groups which had different understandings of, and perspectives on, public policy issues.

The ICANN community now remembers only the London School of Economics' GNSO Review of 2007, not the DNSO Review that had already asked for a restructuring of DNSO back in 2001. ICANN never even recognized the earlier report, submitted by people who were not in its inner circle and from which it did not expect to hear.

As of 2009, the IDN discussion is led by Europeans and Americans, not Asians. Tina Dam, who is Danish, is in charge of IDN issues in ICANN, working closely with other Europeans. ICANN never appreciated Asians' contribution to bringing IDN issues to the ICANN community. At the beginning, ICANN asked Asians to share their experiences of IDNs. Then ICANN recruited all Europeans, without a single Asian, to work on the IDN issue. ICANN's arrogant attitude toward the Asian community was repeatedly reflected at the Seoul ICANN meeting, when ICANN pompously celebrated how great it will be to create IDN TLDs after the Seoul meeting.

At the IDN reception in Seoul, ICANN's CEO, Rod Beckstrom, and its board chairman, Peter Thrusch Dengate, recognized in their speeches the contribution of Dam and ICANN's inner circle. They never mentioned the pioneers of IDN, who happen to all be Asians. One of them, James Seng, the Internet Engineering Task Force's IDN Working Group chair, was even present at the reception.¹

Should Asia still make the effort to participate in the ICANN process when Asia is consistently ignored there? Asia is underrepresented at ICANN, especially in the decision-making process and on the board and various council seats. This leads to an imbalance between the number of Internet users in Asia and the representation of Asia. Asia is also distant from ICANN's inner circle, including the nominating committee. While Asia is being ignored by ICANN, it is well positioned at the UN International Telecommunication Union (ITU), which competes with ICANN for control of Internet resources. Should Asia consider the ITU option more seriously?

SILENT AND INVISIBLE ASIA AT UN NEGOTIATIONS

The UN Internet Governance Forum (IGF) was the outcome of the UN World Summit on the Information Society. The summit was initiated by ITU to explore a state-oriented decision-making process for global public policies on the Internet. Three groups negotiated at the summit (2003-2005) over who should control Internet resources: (1) those who supported the status quo-ICANN under the U.S. govern-

1. I, as one of the Asian participants, had to get approval from Beckstrom to also give a toast on IDN. I was finally able to remind people in the room of the IDN pioneers from Asia—including Seng, who was present.

ment's leadership; (2) those who called for change under the UN system; and (3) those who observed the confrontation between the two groups. Many countries in Asia were silent observers; this was not true of China and India.

As a compromise, the IGF agreed to experiment with a forum (2006-2010) without making public policy decisions. The group wishing to bring changes through IGF, a group led by Brazil and China, felt overwhelmed by the influence of supporters of the status quo throughout the IGF process. Key stakeholders from ICANN and the Internet Society, two important supporters of the status quo, were appointed to the multi-stakeholder advisory group (MAG), which has shaped the content of IGF. Almost half of MAG was occupied by the status quo group.

As the result of the status quo group's strategic penetration of MAG, it was able to set IGF's agenda and effectively disseminate ICANN's norms, such as private-sector leadership and the multi-stakeholder principle, to stakeholders from the developing world. Ironically, it was the status quo group that strongly objected to the idea of creating another Internet Governance Forum during the 2005 World Summit on the Information Society. Despite their discontent with the decision, the status quo group made every effort to prevent IGF from evolving into a platform for political negotiation. This demonstrates the power of participation to change the identity of IGF, which could have functioned as a global political forum instead of a knowledge transfer conference. Despite China's contribution, Asian participants were once again mostly observers during the IGF process.

ASIA, IGNORANT?

Asia's impressive leadership in economic growth and technical innovation has not led to political leadership in the global dialogue. Without that, Asia will always lag behind the United States and the European Union regardless of its economic achievements. At the critical juncture of global leaders' changing a procedural rule from "one vote for one nation" to "multiple votes for one nation in the form of multi-stakeholders," Asia is still preoccupied with the development agenda.

Lack of understanding of the dynamics of a new rule driven by Anglo-Saxon culture makes Asian governments resist the rule without any strategic response. If Asian governments are not able to change the rule as silent observers of the negotiation, they should adjust to the new multi-stakeholder rule. In reality, Asia was not engaged with the political negotiation of the new procedural rules, and Asia is not substantially engaged with the global Internet governance dialogue; it is ignoring the new rule.

The corporate governance facilitated by the new multi-stakeholder principle is still

foreign to Asian political culture. One of the keys to successfully implementing the multi-stakeholder principle is to provide a political environment that facilitates a good working relationship between government and civil society. In Asian political culture, civil society is disconnected from government. Distrust between grassroots civil society, funded by foreign foundations, and government has grown in the developing world, including many parts of Asia, while the main identity of civil society in this global dialogue is based on academic groups and think tanks in the developed world.

Many academic groups and think tanks in Asia still desire to be associated with government as advisors rather than to be considered independent civil society groups. Ironically, those who were supposed to understand and spearhead this new wave of change as academics still remain ignorant of the new rule. Asia decided to be silent when the multi-stakeholder principle was created. This principle is being widely disseminated, and Asia observes it without making any further effort to adjust to it. Is Asia ready to pay for the price for ignoring the global rule?

FUTURE OF ASIA IN INTERNET GOVERNANCE

It will be a very painful process for Asia to change the new multi-stakeholder principle presented by the political leaders or to adjust to it. In the meantime, Asians should discuss how to handle the challenges of Internet governance, inviting stakeholders who are involved with this dialogue and facilitating more in-depth research on this challenge. Can Asia become an equal policy-making partner in global Internet governance negotiations instead of just an attractive market dominated by the developed world?

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