

# Whatever happened to rough consensus and running code?

Multistakeholder governance in .uk

Emily Taylor, September 2013



I mean, what has **policy** ever done for us?


# What *has* policy got to do with network operation?

- IPv6 adoption
  - Ofcom study (2012); situation of UK;
  - Operational and economic impact of policy decisions (or lack of them)
- Carrier Grade NATs
  - Ofcom study (2013)
  - Policy implications of operation and economic decisions
  - Innovation without permission?
  - Mere conduit?
- Internationalised domain names
  - Impact of ccTLDs (registrars, policies and pricing) on uptake



# The IETF

- Dave Clark: “We reject: kings, presidents and voting. We believe in: rough consensus and running code”.
- Culture of openness, and cooperation.
- Inspiration for “multistakeholder” governance concept
  - Not top down
  - Participation of all stakeholders on an equal footing.

A high-angle, low-look shot of Spider-Man in his iconic red and blue suit. He is perched on a dark metal ledge, looking down at a sprawling city at night. The city lights are visible through the windows of the buildings below. The lighting is dramatic, with strong highlights on the suit's texture and deep shadows in the surrounding environment.

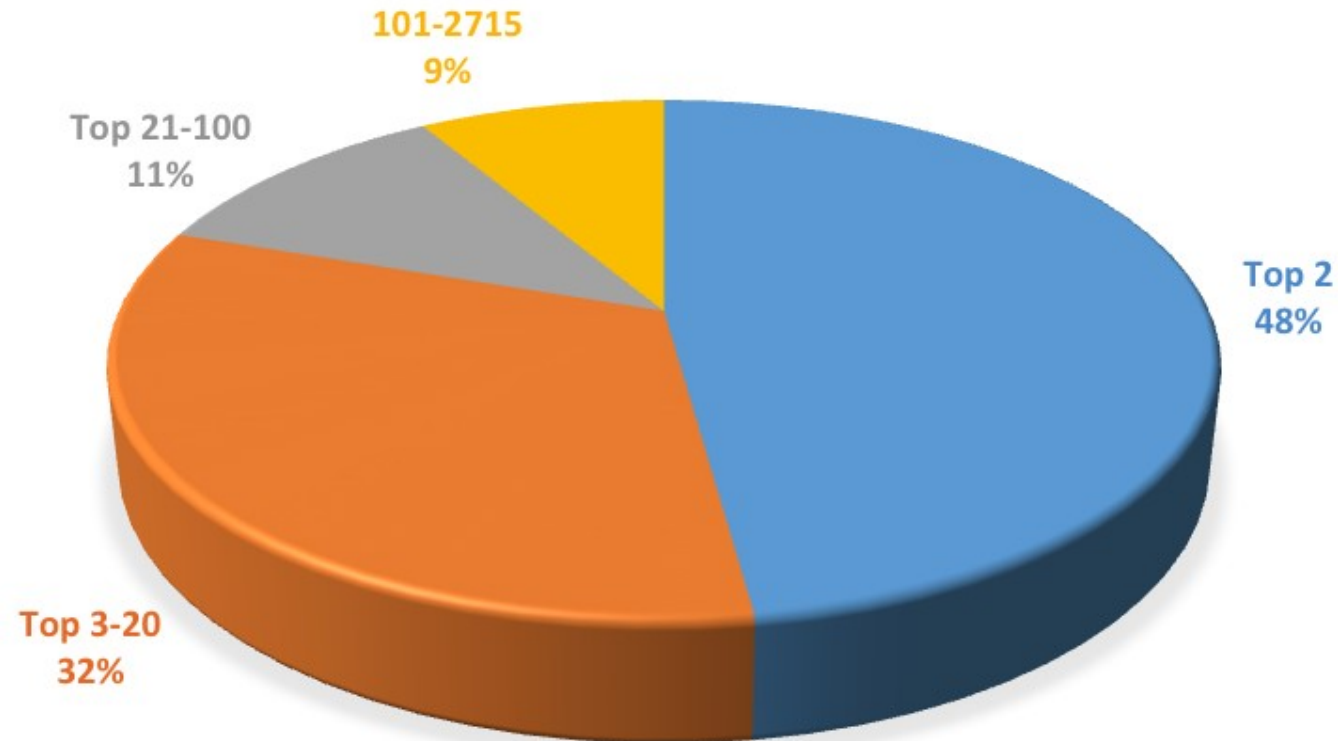
Great power,  
great  
responsibility

# Another aspect of multistakeholder governance

- Great actual power
- Where did the organisations come from?
- Contrast with eg government
- Accountability and transparency

# Commercial pressures and influence of supply chain

NOMINET'S TURNOVER - CONTRIBUTIONS BY MEMBERS





# Why is transparency important?

- Transparency provides information for citizens about what their government is doing (Barrack Obama)
- Entities to maintain and improve transparency, inclusiveness and accountability as the Internet continues to grow in range, diversity and importance (APC, Code of Good Practice, 2010)
- Reforms are necessary to reinforce the transparency and accountability of the internal corporate governance of ICANN to enhance responsiveness (Neelie Kroes and US Administration, 2011)



# Internet Governance Forum

## Background:

- Arose out of acrimonious World Summit on the Information Society
- Not a policy making body, it's a process
- All stakeholders participate on an equal footing (government, civil society, business, technical community)

## Pros:

- Open consultation process – transcribed; all inputs are published
- Lightweight secretariat – Markus Kummer and Nitin Desai leadership; fair summaries
- Has become a hub, focus for many actors' work in the policy area
- National and regional processes.

## Cons:

- Multistakeholder Advisory Group selection and proceedings (improving)

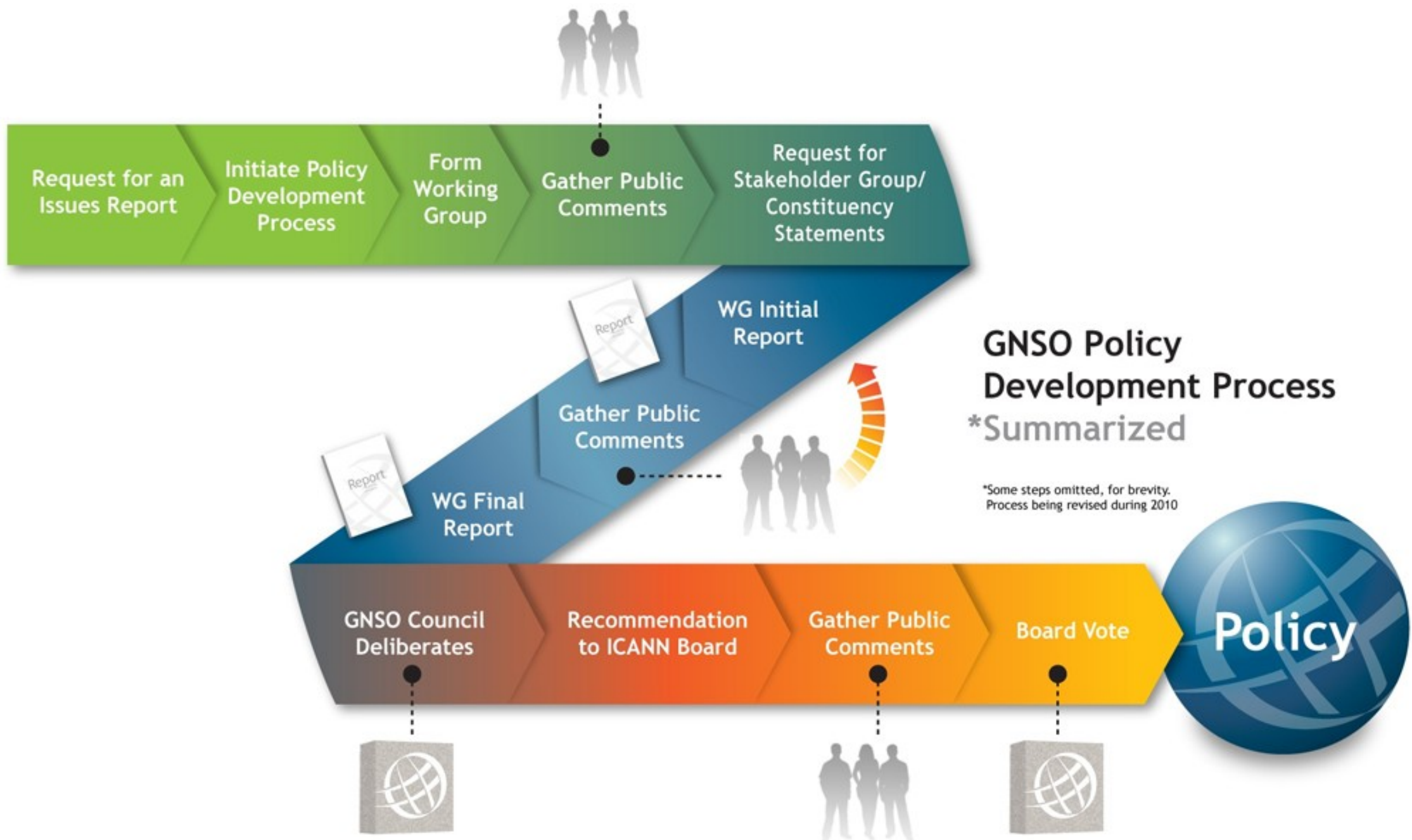
# ICANN

## Background

- Formed by the US government in 1998
- Originally described as private sector management
- Subsequently rebranded as bottom-up, multistakeholder process.

## Policy making at ICANN

- A defined policy process – anyone can participate, everyone can have their say



# ICANN – is it perfect?

- Differences between an open process, and a representative process
- Balancing the influence of stakeholders – particularly industry
- Who safeguards the public interest?
- The role of staff, and the journey from policy to implementation.
- Accountability and Transparency – second review ongoing.

# Nominet

- 10 million domain names
- Not for profit, public purpose
- Self-regulating
- Operational and technical excellence

# Nominet

- “We remain committed advocates of a multi-stakeholder approach to informing our policy development rather than a more top-down method of running the Internet” (July 2013)
- Policy development process
  - Secretariat
  - UK Policy Stakeholder Committee
  - Consultations



# Case study: direct.uk

- Second consultation in less than a year.
- Publication (or not) of consultation responses, studies etc
- Where are the proposals formulated?
- “Our research indicates....”
- Proposals have great impact – do relevant stakeholders know?
- Who are the winners; who are the losers?

# Bottom-up, multistakeholder processes compared

	ICANN	Nominet
Issues can be suggested by anyone	☐	?
<b>Working groups - open membership</b>	☐	☐
Consultation documents published	☐	☐
<b>Underlying studies published</b>	☐	☐
Public comment	☐	☐
<b>Public comment published</b>	☐	☐
Public meetings transcribed	☐	☐
<b>All decision-making interactions recorded, transcribed</b>	☐	☐
Comprehensive archive	☐	☐

# I-organisations, transparency, legitimacy and the public interest

- Difficult to get right
- Mixture of financial dependence and quasi-regulatory role
- Low general awareness or participation
- Lack of robust accountability mechanisms
- Does multi-stakeholder governance scale?
- Is the Internet really so different?