

April 9, 2014

The Honorable Rep. Howard Coble
Chairman
Judiciary Committee
Subcommittee on Courts, Intellectual Property, and the Internet
U.S. House of Representatives

The Honorable Rep. Tom Marino
Vice-Chairman
Judiciary Committee
Subcommittee on Courts, Intellectual Property, and the Internet
U.S. House of Representatives

Dear Chairman Coble and Vice-Chairman Marino:

The undersigned human rights and free expression organizations, like the members of this Subcommittee, are dedicated to ensuring that the Internet remains a free and open global platform, which fosters the free flow of information, for the exercise of everyone's rights. With that common goal in mind, ahead of the April 9 hearing "Should The Department Of Commerce Relinquish Direct Oversight Over Icann?", we write to express our support for the Department of Commerce's National Telecommunications and Information Administration (NTIA) announcement of its intent to transition key Internet domain name functions to the global multistakeholder community and our concerns regarding the DOTCOM Act (4342). Throughout this transition the Internet must continue to be an open platform for the free exercise of human rights online, and we believe the NTIA's announcement could help thwart government overreach in Internet governance, which would have devastating implications for human rights worldwide.

NTIA's "historic stewardship" of the DNS (Internet domain name system), while largely hands off, has drawn criticism and growing opposition from the international community for the simple fact that a single government performs an oversight role for what is clearly a global resource. This perceived imbalance has played into the hands of governments seeking to undermine the open, decentralized, participatory, bottom up, multistakeholder model of Internet governance and impose new governmental or intergovernmental controls that could threaten the security, stability, resilience, and freedom of the global Internet.

Therefore, we welcome NTIA's announcement that it intends to transfer the Internet Assigned Numbers Authority (IANA) functions to the global multistakeholder community and support the guiding criteria that NTIA articulated for that transition: a community generated proposal that supports and enhances the open, decentralized, bottom-up, multistakeholder model; maintains the security, stability, and resiliency of the Internet's domain name system; and maintains the openness of the Internet.

This move would alleviate international pressure on explicit terms, deter government overreach on the issue of Internet governance, and facilitate the exercise of human rights online. A transition on those terms would be fully consistent with prior bipartisan, unanimous statements of policy by the Congress (H. CON. RES. 127/S. CON. RES. 50) seeking to “preserve and advance the multistakeholder governance model under which the Internet has thrived.” In taking this proactive step, and implementing a transition that has been a stated intention of the Commerce Department since the late ‘90s, the NTIA is leading the process and would be able to reject any proposal that does not meet its standards or serve the interests of a free, open, and secure Internet.

Forestalling the transfer of the IANA functions to the global multistakeholder community, as proposed by the DOTCOM Act, in contrast, could further empower critics who favor a governmental or intergovernmental model of Internet governance, whether implemented through the United Nations’ International Telecommunication Union (ITU) or some other government-dominated, non-multistakeholder body.

Our organizations will watch closely and engage deeply in the transition process to ensure that human rights are respected by any future Internet governance arrangement and that the transition meets the internationally recognized standards of inclusiveness, transparency, and accountability. In the meantime, we welcome this Subcommittee’s interest in this important and complex issue, and look forward to working with its Members to ensure that the future of Internet governance fosters rather than undermines the security, stability, resilience, and freedom of the global Internet.

Sincerely,

Access
Center for Democracy & Technology
Freedom House
Human Rights Watch
The Open Technology Institute at New America Foundation
Public Knowledge

Attached documents:

Internet Governance Processes - Visualising The Playing Field. Also available at https://s3.amazonaws.com/access.3cdn.net/675fc049138284000e_gfm6ivdr2.pdf