TESTIMONY OF AMB. DAVID A. GROSS
BEFORE THE U.S. HOUSE COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY
APRIL 2, 2014
SUMMARY

The Internet Governance Coalition welcomes the opportunity to participate actively in the process that was announced by NTIA on March 14. We further welcome NTIA's affirmation that any transitional proposal resulting from the process initiated on March 14 must support and address the following four principles:

- Support and enhance the multistakeholder model;

- Maintain the security, stability, and resiliency of the Internet DNS;

- Meet the needs and expectation of the global customers and partners of the IANA services; and,

- Maintain the openness of the Internet.

The principles articulated by NTIA and those found in the Coalition's recent submission to the "Global Multistakeholder Meeting on the Future of Internet Governance," to be held in Brazil later this month, are essential for ensuring that all global citizens are able to take advantage of the Internet's full transformative capabilities, both now and in the future.

The Coalition looks forward to working with all other stakeholders in the process initiated by NTIA and coordinated by ICANN. There are great challenges associated with ensuring a safe, secure, open, interoperable, and sustainable Internet that will be faced during numerous international meetings in 2014 and 2015. Debates on the best form of Internet governance will certainly be a focus at future meetings, including the 2014 Internet Governance Forum, the United Nation's World Summit on the Information Society review, and the International Telecommunication Union's Plenipotentiary.

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Chairman, Ranking Member, Members of the Subcommittee, good morning and thank you for the opportunity to testify before you today.

My name is David A. Gross. Formerly, I had the great honor of serving in the Department of State as the United States Coordinator for International Communications and Information Policy from 2001 to 2009. During this time, I led the United States delegations to the preparatory meetings and I was the co-head of the United States delegations to both actual phases of the United Nations' World Summit on the Information Society (WSIS) in Geneva (2003) and Tunis (2005), which, among other things, focused on the role of governments regarding Internet governance and resulted in the creation of the Internet Governance Forum (IGF). Today I am appearing on behalf of the Internet Governance Coalition, an industry-led coalition with broad representation from the communications, Internet, and related industries, including Amazon, AT&T, Inc., Cisco Systems, Inc., Comcast NBCUniversal, Google Inc., Juniper Networks Inc., Microsoft Corporation, Telefónica, S.A., The Walt Disney Company, Time Warner Cable Inc., Twenty-First Century Fox Inc., and Verizon Communications Inc.

I am pleased to testify on the important announcement made by the National Telecommunications and Information Administration (NTIA) on March 14 that it intends to initiate a process to transition key Internet domain name functions to the global multistakeholder community.

The primary focus of my testimony is to emphasize our firm belief that a thriving Internet depends on a governance structure that is open, transparent, and representative of all stakeholders. The current multistakeholder model for Internet governance has resulted in

historic economic, social, and political development. This decentralized structure of the Internet has enabled individuals to access information and services, to connect and to communicate, and to share ideas and knowledge globally. A recent McKinsey Global Institute study indicated that the Internet accounts for 21 percent of GDP growth in the last five years in developed countries, and in 30 surveyed developing countries a similar remarkable impact on GDP can be found. By offering new possibilities for entrepreneurial creativity, the Internet has become a powerful engine for unparalleled technological innovation, economic growth and the preservation and promotion of cultural diversity.

We wish to commend the leadership of Assistant Secretary Strickling and the extraordinary group of professionals at NTIA for their stewardship of the multistakeholder model of Internet governance. The Internet has not only been preserved, but also it has been allowed to mature into the global "network of networks" that it is today, in large part because of the stewardship by NTIA, ably supported by the Department of State and the Federal Communications Commission. Similarly, ICANN has matured substantially since its inception in 1998, focusing on implementing accountability and transparency mechanisms and practices, such that it is now possible for NTIA to initiate this process for the further evolution of the Internet and ICANN. That being said, more can always be done to ensure ICANN continues to mature as it tackles new challenges and issues. The community will need to spend the next phase focusing on creating roust mechanisms to ensure the organization continues to evolve. A successful conclusion of the process NTIA is launching will enable the economic and societal benefits of the Internet to continue uninterrupted.

We believe that NTIA's decision to initiate a process leading to the possible transition of the IANA functions contract to a multistakeholder entity is a critical step. United States

oversight of the IANA functions has long been an issue of concern to the global community. By allowing for the careful transition of the IANA to a bottom-up multistakeholder entity, the United States has affirmed its commitment to the multistakeholder model. If the principles NTIA identified for the transition are met – which is a critical condition for this process to work – the United States will also succeed in maintaining the freedom, openness, security, and stability of the network we have all enjoyed since its inception.

The Coalition welcomes the opportunity to participate actively in the process that was announced by NTIA on March 14, and that ICANN and the Internet community will convene to develop constructive proposals that meet NTIA's stated criteria.   We further welcome NTIA's affirmation that any transitional proposal resulting from the process initiated on March 14 must support and address the following four principles:

- Support and enhance the multistakeholder model;

- Maintain the security, stability, and resiliency of the Internet DNS;

- Meet the needs and expectation of the global customers and partners of the IANA services; and,

- Maintain the openness of the Internet.

These principles are consistent with the statement that the Coalition recently made in its submission to the upcoming "Global Multistakeholder Meeting on the Future of Internet Governance," to be held in Sao Paulo at the end of April. A copy of that statement, entitled "Sustaining Principles for Internet Policy and Governance" is attached to this testimony.

To be clear, the principles articulated by NTIA on March 14 and those found in the Coalition's statement submitted March 8 for purposes of the meeting in Sao Paulo are, we

believe, essential for ensuring that all global citizens – regardless of their location – are able to take advantage of the Internet's full transformative capabilities, both now and in the future.

The Coalition looks forward to working with all other stakeholders that may be involved in the process initiated by NTIA and coordinated by ICANN. But we also wish to underscore the reality of the current international environment: there are great challenges associated with ensuring a safe, secure, open, interoperable, and sustainable Internet that will be faced during numerous international meetings in 2014 and 2015. Debates on the best form of Internet governance will certainly be a focus at future meetings, including the 2014 Internet Governance Forum, the United Nation's World Summit on the Information Society review, and the International Telecommunication Union's Plenipotentiary.

At these upcoming meetings and conferences, as well as at others, we must join together to be vigilant to ensure a safe and open Internet, as well as to ensure that whatever policies are adopted at these meetings foster innovation and investment across Internet networks, services, and other sectors of the Internet ecosystem, including ensuring the protection of intellectual property and the protection of human rights. We are also mindful that policies must support opening and maintaining international markets in a way that allows for the seamless flow of digital services, applications, products and information.

Similarly, policies must stimulate sustainable investment in and deployment of Internet networks and the industries and services that create demand for those networks. These goals are best advanced through the rule of law, which governments have the primary responsibility for advancing, and establishing predictability in decision-making.

Finally, policies must support increased transparency and openness in intergovernmental organizations and multistakeholder mechanisms, to ensure that all stakeholders can participate

meaningfully in key Internet policy discussions. The quality of Internet governance decisions increases when diverse stakeholders choose to actively and consistently participate.

I would like to thank the Committee for allowing me, on behalf of the Internet Governance Coalition, to present our views at a time of great importance for preserving the fundamental principles that have governed the Internet. The many major conferences and work efforts scheduled this year – and well into 2015 – make this a particularly important period in the Internet's evolution, and re-enforces the timeliness of this hearing. We welcome the initiative undertaken by Assistant Secretary Strickling, and we are prepared to join with others in ensuring that the process that has been initiated continues to affirm these guiding principles that have been at the core of the Internet's extraordinary growth during the past two decades.

Sustaining Principles for Internet Policy and Governance

- Area: SET OF INTERNET GOVERNANCE PRINCIPLES
- Entitled by: David A. Gross
- Region: Americas
- Organization: Internet Governance Coalition
- Sector: Private Sector
- Keywords: Internet governance multistakeholder

Abstract

The Internet Governance Coalition extends our sincere appreciation to Brazil for hosting the "Global Multistakeholder Meeting on the Future of Internet Governance," to be held in São Paulo. The Meeting is taking place at a time when the topic of Internet governance is an issue of great interest around the world. The many major conferences and work efforts scheduled this year exemplify the accelerated pace of Internet governance discussions and make 2014 a particularly important year in the ongoing evolution of the Internet. Indeed, there are a host of institutions, each with different core functions and strengths, that address issues related to Internet governance. We believe that preserving and advancing open and consultative decision-making is essential to ensuring that global citizens are able to take advantage of this transformative platform both now and in the future. As such, we respectfully submit seven principles which we believe are essential to Internet governance.

Document

The Internet Governance Coalition (the "Coalition") extends our sincere appreciation to Brazil for hosting the "Global Multistakeholder Meeting on the Future of Internet Governance," to be held in São Paulo. The Meeting is taking place at a time when the topic of Internet governance is an issue of great interest around the world. The many major conferences and work efforts scheduled this year exemplify the accelerated pace of Internet governance discussions and make 2014 a particularly important year in the ongoing evolution of the Internet. Indeed, there are a host of institutions, each with

different core functions and strengths, that address issues related to Internet governance.

The Coalition represents leading international Internet and telecom companies, including: Amazon, AT&T, Inc., Cisco Systems, Inc., Comcast NBCUniversal, Google Inc., Juniper Networks Inc., Microsoft Corporation, Telefónica, S.A., The Walt Disney Company, Time Warner Cable Inc., Twenty-First Century Fox Inc., and Verizon Communications Inc. We believe a thriving Internet depends on a governance structure that is open, transparent, and representative of all stakeholders. The multistakeholder model approach to Internet governance has allowed for the creation of decentralized structures that have resulted in historic economic, social, and political development. This decentralized structure of the Internet has enabled individuals to access information and services, to connect and to communicate, and to share ideas and knowledge globally. By offering new possibilities for entrepreneurial creativity, the Internet has become a powerful engine for technological innovation, economic growth, and the preservation and promotion of cultural diversity. We believe this model, strengthened as necessary, will continue to best serve these shared goals and Internet users far into the future.

These concepts are rooted in the 2005 *Tunis Agenda for the Information Society* that provided the foundational principles for Internet governance, which affirmed the multistakeholder, transparent, and democratic governance of the Internet, while at the same time recognizing the sovereignty of governments and rule of law. It is precisely because of this multistakeholder governance model that the Internet has grown into the transformative platform it is today. To say nothing of the broader social benefits from the Internet, its economic contributions have been astonishing. According to McKinsey Global Institute, the Internet accounts for 21 percent of GDP growth in the last five years in developed countries, and in 30 surveyed developing countries.

We believe that preserving and advancing open and consultative decision-making is essential to ensuring that global citizens are able to take advantage of this transformative platform both now and in the future. As such, we support the following principles which we believe are essential to Internet governance:

· Policies must ensure a safe, secure, open, interoperable, and sustainable Internet.

· Policies must stimulate sustainable investment in and deployment of Internet

networks and the industries and services that create demand for those networks.

·   Policies must support opening and maintaining international markets in a way that allows for the seamless flow of digital services, applications, products, and information.

·   Policies must foster innovation across Internet networks, services, and other sectors in the Internet ecosystem, including ensuring the protection of intellectual property.

·   Policies must support increased transparency and openness in intergovernmental organizations and multistakeholder mechanisms, to ensure that all stakeholders can participate meaningfully in key Internet policy discussions. The quality of Internet governance decisions increases when diverse stakeholders choose to actively and consistently participate.

·   Policies must support capacity building and implementation of best practices in relation to network security.

·   Policies must support the rule of law which governments have primary responsibility for advancing.

The Coalition looks forward to working with all stakeholders to prepare for a successful Meeting in Brazil, and welcomes this opportunity for dialogue on these important issues. International consensus on Internet policies is unlikely to be realized at only one meeting. These debates will continue at future meetings, including the 2014 Internet Governance Forum, WSIS Review, and ITU Plenipotentiary, that, together with the "The Global Multistakeholder Meeting," promise to make significant contributions to the ongoing global dialogue on Internet governance.

The Coalition again extends its appreciation to the host country of Brazil and to CGI.br and /1net for their extraordinary and constructive work in organizing the Meeting.

Respectfully Submitted,

INTERNET GOVERNANCE COALITION