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Mr. Mitch McConnell, Majority Leader, Mr. Harry Reid, Democratic Leader, Mr. John Thune
Mr. Paul Ryan, Speaker of the House, Mr. Kevin McCarthy, Majority Leader
Mrs. Nancy Pelosi, Democratic Leader, Mr. Xavier Becerra, Democratic Caucus Chairman
Mrs. and Mr. US Senators and Representatives

Poitiers, August 23rd, 2016

Copy: Permanent Representatives of UN Member States, Mr. Lykketoft, Mr. Ban Ki-moon, and Mr. Strickling, NTIA Administrator.

Object: Your debate on the Internet governance and the US plan to give up its control over ICANN; the UN Secretary General selection process; and my **4-11-16** letter addressed to the UNGA (exh. 1) presenting my application for the UNSG position. [The PDF version of this letter is at: http://www.pierregenevier.eu/npdf2/let-us-congress-23-8-16.pdf].

Dear MM. McConnell, Reid, Thune, Ryan, McCarthy and Becerra,
Dear Mrs. Pelosi,
Dear Mrs. and MM. US Senators and Representatives,

1. I take the liberty of writing you **(1)** to '*discuss*' a **pressing issue** that you are studying at this time (at least I hope you are still studying it anyway), namely the issue of the Internet Governance [or *whether the US should relinquish its authority over ICANN* as Mr. Kruger describes it, exh. 4], **(2)** make few remarks about the UN Secretary General (UNSG) selection process that is going on since **April 2016** and that should end in September, and **(3)** to present you briefly the proposals that I defend in front of the UN to obtain a nomination for the position of UNSG. I have written to Mr. Becerra (exh. 16) in April to present him my application for the UN Secretary General position sent **on 4-14-16** to the UNGA [see letter (exh. 1), short biography (exh. 12), vison statement (exh. 3), the **3-17-16 l**etter to Mr. Hollande (exh. 11)], and **(2)** to discuss three of the proposals that I defend, so he may have talked to some of you about certain of the subjects that I will cover here, but I still had to write you to go into more detail on the Internet Governance issue because it is a critical and urgent issue as you know it.

A The Internet Governance Issues and the ongoing debate in the US Senate and House of Representative on *whether the US should relinquish its authority over ICANN.*

2. The US is planning to give up the limited control it has over *ICANN* to the ***Global Internet Multistakeholder Community***, and the transfer could happen as soon as **September 30th, 2016** if the deadline is not extended another year (exh. 4); but I believe that it is absolutely critical that '***you***' (the US Senators, Representatives and Government,) go back over the reasons why the US is giving up its authority over *ICANN* to the ***Global Internet Multistakeholder Community***, and analyze the different arguments that I will present you here, so that '***you***' can take the best possible decision on this important subject **for the US**, for the future of the Internet and for the world. To help you in your analysis of the situation, I will **(1)** use and comment **(a)** 2 research documents written by ***Mr. Lennard Kruger*** [US Congress Specialist in Science and Technology Policy, (exh. 4 , exh. 5)] and **(b)** the remarks made during the **5-24-16** Senate hearing on this issue, and **(2)** point out the critical information and arguments that you did not take into consideration. I am sending concurrently a similar letter to the Permanent Representatives of UN Member States (exh. 0).

1) The remarks of Mr. Kruger on the Internet governance issues.

3. According to ***Mr. Kruger***, the objectives of the transition for NTIA are stated as follow: '*NTIA has stated that it will **not** accept any transition proposal **that would replace the NTIA role with a government-led or***

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an intergovernmental organization solution. In addition, NTIA told ICANN that the transition proposal must have broad community support and address the following four principles:
- *support and enhance the multistakeholder model;*
- *maintain the security, stability, and resilience 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*'. [exh. 5 , p. 6];

4.   Also for *Mr. Kruger,* the debate on the Internet Governance is summarized as follow: '*Thus, governments such as the United States and the European Union* **support ICANN's multistakeholder model**, *while at the same time advocating increased governmental influence within that model. By contrast,* **other nations** <u>**support an expanded role for an intergovernmental model**</u> *of Internet governance. The debate has been summarized by NTIA as follows: By engaging all interested parties,* **multistakeholder processes encourage** <u>**broader and more creative problem solving, which is essential**</u> *when markets and technology are changing as rapidly as they are.* **They promote speedier, more flexible decision making than is common under traditional, top-down regulatory models** *which can too easily* <u>*fall prey to rigid*</u> *procedures,* <u>*bureaucracy,*</u> *and stalemate. But there is a challenge emerging to this model in parts of the world.... Some nations appear to prefer an Internet managed and controlled by nation-states. ... We do not support any of these elements. ....* '   [exh. 5 , p. 22].

5.   Finally, for *Mr. Kruger,* the '*supporters of the transition argue that by transferring its remaining authority over ICANN and the DNS to the global community, the U.S. Government* **will bolster its continuing support for the multistakeholder model** *of Internet Governance, and that this will enable the US to* **more effectively** <u>**argue and work against**</u> *proposal for intergovernmental control over the Internet.* *The argument follows that if NTIA does not relinquish authority over the IANA functions, the United States* **will** <u>**continue to be in the paradoxical and problematic position of opposing moves**</u> **in intergovernmental fora to increase the power of governments in governing the Internet**, *while at the same time maintaining its unilateral authority over the Internet DNS by virtue of the IANA contract.*' '*Supporters of the transition also point out that the U.S. government and Internet stakeholders have, from the inception of ICANN, envisioned that U.S. authority over IANA functions would be temporary, and that the DNS would eventually be completely privatized. According to NTIA, this transition is now possible, given that "ICANN as an organization* <u>*has matured and taken steps in recent years to improve its accountability and transparency and its technical competence*</u>*."*   [exh. 4 , p. 17].

2) The pretended advantages of the multistakeholder model.

6.   Based on these different statements, we can make the following remarks.   First, the objective of the transition for US Government is **(1)** <u>mainly</u> **to support** the *multistakeholder model* ... that it believes '*… encourage broader and more creative problem solving, which is essential when markets and technology are changing as rapidly as they are ... and ... promote speedier, more flexible decision making than is common under traditional, top-down regulatory models which can too easily fall prey to rigid procedures, bureaucracy, and stalemate.*'; **and** it is also **(2) a** <u>**tactical**</u> **maneuver** since the '*US*' thinks that the transition *'... will* **enable the US** <u>**to more effectively argue and work against**</u> **proposal for intergovernmental control over the Internet.**' [*'The argument follows that if NTIA does not relinquish authority over the IANA functions, the US will continue* **to be in the paradoxical and problematic position** *of opposing moves in intergovernmental fora to increase the power of governments in governing the Internet, while at the same time maintaining its unilateral authority over the Internet DNS by virtue of the IANA contract.'*].   But there is **no** specific will **(1) to improve** the way the Internet is functioning [the objective is to '*maintain* <u>*the security, stability, and resilience*</u> *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*'], and **(2)** to use the Internet **more efficiently (a)** to resolve the problems that the (International) community (including the US) is facing and **(b)** to help a larger number of people.

7.   And I don't think that we can really say that the multistakeholder model '*encourages broader and more* <u>*creative*</u> *problem solving'*; for example, ICANN uses **several hundred, if not thousands,** of different independent organizations and businesses with whom it must sign **complicated** legal contracts to allow them to sell the domain names and to collect the annual fee for the site, and of course this is not at all the best way or a *creative and efficient* way to work because <u>one **unique** organization</u> could do **exactly the same work (a)** with a much smaller number of persons, **(b)** with much less resources and at a much lower cost (!), and therefore **(c)** while saving a lot of money that could be reinvested **(1)** to improve the Internet functioning, **(2)** to fight cyber-criminality and the promotion of violent extremism and terrorism on the Internet, **(3)** to increase the number of Internet users, in particular in poor countries, and **(4)** to transfer the information technologies to poor countries.

8.   And by the way, **(1)** these different independent businesses and organizations do not make important profits with the sale of the domain names, and therefore do not create ('*useful*') jobs with this task, **(2)** they cannot ask their clients (site owners) for specific information that it would be important for the community to have, and cannot verify the information that is given to them, and **(3)** finally, they cannot compute the appropriate fee for Internet site owners (meaning a fee dependent on the use of the Internet resources by the site owners, among other parameters).   Also, **unlike** the supporters of the multistakeholder model mentioned it, we can**not** really say that the *multistakeholder model '*promote <u>speedier, more flexible decision making than is common under traditional, top-down regulatory models'</u>*, when you know that it took ICANN **seven years** of debate to finally decide to allow the creation of a large number of new gTLD (generic top level domain) and that when it finally did take its decision, it made many unhappy [in particular governments (!)], and the benefits for the community are not always obvious, as the example of the .xxx gTLD shows [exh. 5 , p. 16].

[**8.1**   During the **5-24-16** Senate hearing, several senators made remarks that confirm my comments. For example, **Senator Daines** questioned the idea that the multistakeholder with ICANN and its half a dozen advisory committees having each several subcommittees performed so differently from a *'bureaucracy';* **Senator Johnston** mentioned some important and proper '*principles*': '*<u>**All changes are not progress, all movements are not forward**</u>*' and '*<u>**if it is not broken, don't fix it**</u>*'; and he asked few related interesting questions; for example, he asked the panel of participants '*what was broken in the actual system of governance?*', and indirectly '*why would the transition resolve the problem?*', and the representatives of the Internet community had a hard time identifying what is broken in the actual system, instead **it became fairly clear (1)** that **the goal** of the transition **is political** and mainly to prevent the UN or **supposedly** other governments from taking control of the Internet, and **(2)** that the transition would **not** resolve a technical problem, would **not lead to progress,** and would **not** be a move forward. Finally, **Senator Sullivan** asked: *how will the transition advance the US interest?*, and here again the participants in the hearing had a hard finding credible arguments to respond to this question because there are none.]

3) The arguments of those who would like to delay the transition.

9.   Mr. Kruger also described the arguments of those in the US Congress who would rather **delay the transition**, and he explains this: *'Those opposed, skeptical, or highly cautious about the transition point out that NTIA's role has served **as a necessary "backstop" to ICANN,** which has given Internet stakeholders **confidence** that the integrity and stability of the DNS is being sufficiently overseen. Critics assert that in the wake of the Edward Snowden NSA revelations**, foreign governments might gain more support internationally in their continuing attempts to exert intergovernmental control over the Internet**, and that any added intergovernmental influence over the Internet and the DNS would be that much more **detrimental to the interests of the United States** if NTIA's authority over ICANN and the DNS were to no longer exist. Another concern regards the development of the transition plan and **a new international multistakeholder entity that would provide some level of stewardship over the DNS**. Critics <u>are concerned about the risks of foreign governments</u>—particularly <u>**repressive regimes that favor censorship of the Internet**—**gaining influence** over the DNS through the transition to a new Internet governance mechanism that no longer is subject to U.S. government oversight</u>.'* . [exh. 5 , p. 17-18].   And these arguments, although they support the delay for the transition which I believe is critical, may not be sufficient for the delay.

10.   There is an argument that it is important to point out **(1)** because it comes back several times in Mr. Kruger's documents, **(2)** <u>**because it is not true**</u> and **(3)** because it makes it more difficult to find the best possible Internet Governance; this argument is that '*if the Internet were controlled by the UN, it would limit the freedom of speech on the Internet*' ['*The committee also stated that it "continues to be concerned about this process and **supports the continued stewardship role of the United States over the domain name system** in order to ensure the security of the .gov and .mil domains and **to protect the freedom of speech and expression internationally**.*', **June 16, 2015**, Senate Appropriations Committee (exh. 5 , p. 11)] or the Internet would '*fall under the control of countries that favor censorship*' [see also: '*these powers and actions have been controversial when, for example, antiterrorism concerns may be used to justify censorship or the suppression of free speech on the Internet.*' (exh. 5 , p. 11)] ; the UN is **not** against *the freedom of speech* (which is a human right) and does **not** '*favor censorship*', on the contrary, **the UN promotes the respect of human rights,** including the freedom of speech. And if it is true that some UN member states have stricter laws that limits the freedom of speech, these member states do it for specific reasons linked to their special situation (different from the situation in the US or France,) and recent history, and these countries are **not** trying to impose their view (on this subject) on others, and they do not vote the laws in other countries, they just want to keep their right to decide what is best for their countries and their situation.

11.   Also the UN is **not** '*under the control*' of a particular country or group of countries, some countries pay higher dues than others, and they like to remind it to everyone once in a while, but each

member states has one vote at the UNGA like any other member states. Moreover, if some states have more influence at the UN than others, the US, France, or even G7 countries are <u>certainly</u> **not** the member states with the less influence, on the contrary. I think that we can also say that the UN promotes **economic growth** everywhere around the world, including in the US, so the UN is **not** against the US businesses or the US business men, on the contrary, the UN likes very much US business men like Mr. Ted Turner who created the UN foundation and donated more than a billion dollars to finance UN projects, or Mr. Bill Gates who gave an important part of his fortune to help the World Health Organization vaccinate as many people as possible and save hundreds of million lives, or finally like Mr. Bloomberg who works as a UN special envoy and gives his time and expertise to help the UN achieve its objective in the important area of climate change [and some US business men do not seem to have such a bad opinion of the UN either, otherwise they would not support its work].

[**11.1** During the **5-24-16** Senate hearing, the representatives of the Internet community mentioned few times China, Russia and the UN, as if they were exactly the same type of entities, or as if China and Russia **controlled** the UN, or finally as if their objectives was to control the Internet **to eradicate free speech** on the Internet, all of which are not true; nothing in the proposals presented by UN **member states**, including China and Russia, attempted to put a limitation on free speech everywhere around the world. Also representatives of the Internet community, **or at least one of them**, mentioned that if the transition did not go through, it would hurt the US economy, slow down economic growth and in particular in the Internet sector, **but I believe that this is wrong.** If the UN created a new Internet IO, part of the UN system, it would also create economic growth everywhere around the world, including in the US; economic growth is essential to achieve the SDG; and taking billion of people out if poverty and giving them access to the Internet will necessarily create growth in the US that, as you know it, sells a significant part of the Internet technologies, and has also large international corporations that are leaders in the online commerce industry. **For the Internet to continue to grow significantly and rapidly** as it has done during the past 24 years, <u>we must take billions of people out of poverty</u>; and to take billions of people out of poverty, **we must use the Internet more efficiently** than we have done it, and **only the UN can do both;** only the UN and its agencies are responsible for helping poor and less poor countries in their development efforts, not ICANN.]

12.   As we just saw it, the arguments presented by both sides **are** not all accurate, and the objective of the transition is **not** to improve the functioning of the Internet and not to use more efficiently the Internet to resolve our global problems; and the US Representatives and Senators were not given a chance to study some important arguments, but ICANN and the multistakeholder community are not the only ones responsible for this situation. The UN has also **a part of** responsibility in this situation. The UN member states **should have focused** their discussion *on what we should do with the Internet to improve the situation of the world* and *the functioning of the Internet*, instead on focusing *on who should control the Internet*. And the UN Secretariat and UNSG should have tried to understand why the member states disagreed on this issue, and to propose a solution to resolve their disagreement; and, of course, it should have paid a more careful attention to my remarks made after the WGIG presented its 4 proposals that were rejected by the US [I had already explained to the UNGA the importance of creating this new Internet IO in 2005 (exh. 15) and 2006 (exh. 14), but my arguments were ignored]. Before I describe you into more detail the many benefits of creating a new Internet IO, I would like to review the UN member states proposals in this Internet governance area and to analyze them briefly also.

4) The UN member states arguments in favor of a greater control of the Internet by UN or by governments.

13. Mr. Kruger summarizes also the proposals of the UN member States; he writes (exh. 5 , p. 21-22):

'*…, in 2005, the … WSIS considered **four models of Internet governance**, of which three would have involved an intergovernmental body to oversee the Internet and the domain name system. While the WSIS ultimately decided not to pursue an intergovernmental model in 2005, **some nations have again advocated an intergovernmental approach for Internet governance**. For example:*

• ***India, Brazil, and South Africa** (...) proposed that "an appropriate body is urgently required **in the U.N. system** to coordinate and evolve coherent and integrated global public policies pertaining to the Internet**." The IBSA proposed body would "integrate and oversee the bodies responsible for technical and operational functioning of the Internet, including global standards setting**."*

• *In ..., the government of India proposed (...) the establishment of a new institutional mechanism in the United Nations for global Internet-related policies, to be called **the United Nations Committee for Internet-Related Policies (CIRP)**...*

• *Another group of nations, including **China and the Russian Federation**, proposed a voluntary "**International Code of Conduct for Information Security**," for further discussion in the U.N. General Assembly...*

• *On **January 13, 2015**, the same group of nations released a revised International Code of Conduct for Information Security which states that all States must **play the same role in, and carry equal responsibility** for, international governance of the Internet, its security, continuity and stability of operation, and its development ...* [See code of conduct, exh. 6].

14. The UN member states did **not** describe **the great flaws** of the *multistakeholder model* that was surely appropriate at the beginning when the Internet just started, but that has become **inappropriate**

and **inefficient** in **several critical** areas over the years. Also the Internet is an incredible tool that can help the UN and its member states in many areas, but, unfortunately, the UN member states proposals did not stress the many benefits that **the US**, **the UN** and **its member states** could gain if a new Internet IO, part of the UN system, was created. Even if China, India, Russia and Brazil did not present all the pertinent arguments, they represent a population **of almost 3 billion**, and they are not the least developed countries in the world, so ICANN (as '*technical adviser*') should have tried to understand better their point of view, and perhaps worked with them to find a better Governance solution for everyone, including for the US. Since there seems to be a significant number of UN member states (89 states) in favor **(1)** of an Internet '*managed*' by the UN and **(2)** of *creating an environment for the greater growth of the Internet;* **if** the US decided to allow the creation of a new Internet IO, there would most probably be a **consensus** among the UN member states on this project for everyone's benefit [and also among the UNSC 5 permanent members], so the US Senators and Representatives should study carefully the many benefits for the US of this project that I will describe below.

15.   Mr. Kruger writes also about the effort to revise the ITR, so I will look at his comments and make one remark about the US point of view before I conclude this section. *'During the WCIT, **a revision to the ITRs was proposed and supported by Russia, China, Saudi Arabia, Algeria, and Sudan** that sought to explicitly **extend ITR jurisdiction over Internet traffic, infrastructure, and governance**. ...   The proposal **was subsequently withdrawn**. However, as an intended compromise, **the ITU adopted a nonbinding resolution (...) entitled**, "To Foster an enabling environment for the greater growth of the Internet."* Resolution 3 included language stating "all governments should have an equal role and responsibility for international Internet governance" and invited Member States to "elaborate on their respective positions on international Internet-related technical, development and public policy issues within the mandate of ITU at various ITU forums."*
      *Because of the inclusion of Resolution 3, ..., the United States declined to sign the treaty. The leader of the U.S. delegation stated the following: **The Internet has given the world unimaginable economic and social benefits during these past 24 years—all without UN regulation**. We candidly cannot support **an ITU treaty that is inconsistent with a multi-stakeholder model of Internet governance**. ....   Of the 144 eligible members of the ITU, 89 nations signed the treaty, while 55 either chose not to sign (such as the United States) or remain undecided'* [exh. 5 , p. 21-22].

16.   The leader of the US delegation is using an argument that is **not** entirely true, I believe, when he says ' *The Internet has given the world unimaginable economic and social benefits during these past 24 years—all without UN regulation';* it is true that the Internet gives *'unimaginable economic and social benefits',* but we can**not** say that these benefits have reached **the *entire* world** when **less than half of the world's population** has access to the Internet, billions of people remain poor and '*an **estimated four billion people live outside the protection of the law** and those that live at or below the poverty line face institutional, legal and administrative barriers ...*' [see background note of the **6th 2014** UN high-level event on the post-2015 dev. agenda]. **To conclude this section**, the arguments that were presented by ICANN (...) on this Internet governance issue were **not** strong and **not** always accurate arguments, and **certainly not** unquestionable arguments. Moreover the flaws of the multistakeholder model and the benefits of creating a new Interne IO were **never** even discussed by the US Congress or the UNGA, so it is urgent to change this; and I will now describe you into more detail why the ***multistakeholder model*** is not an appropriate model of Internet governance and why there are many benefits in creating a new Internet IO, part of the UN system.

B The many benefits associated with the creation of a new Internet International Organization part of the UN system.

17.   In the vision statement that I sent to the UNGA (exh. 3), I described some of the flaws of the *multistakeholder model* of Internet Governance and some of the benefits associated with the creation of a new Internet IO, but I still must come back into more detail on some of my arguments.

1) The flaws of the multistakeholder model of Internet governance.

18.   The first problem is the fact that **many different organizations** (private business and non-profit organizations) **(1)** are running **small part** of the Internet (like root name servers,) and **(2)** are doing sometimes identical tasks that are necessary for the Internet to run properly (like selling the domain names, collecting the fee for the domain name, or managing a registry). This is a **serious problem** for several reasons : **(1)** the management of the Internet is **not optimized**, many different organizations do exactly the same work that could be done more efficiently and **for less money** by just one organization; **(2)** the cost of running the Internet is not optimized, and **a lot of money**

and resources that <u>could be used **(a)** to do other **important** things</u> (like increasing significantly the number of Internet users, fighting more efficiently cyber-criminality and the promotion of violent extremism) and **(b)** to improve the Internet functioning, **are wasted; (3)** it is difficult to know fairly precisely how much it cost to run the Internet, and impossible to compute **a fair annual fee** for the different types of site owners (…); **(4)** since most of the organizations [registry, registrar] that sell the domain names and collect the annual site fee are private or non-profit organizations, they cannot collect certain information that would be useful for the community and they cannot verify the accuracy of the information they collect; and **(5)** finally it is impossible to put in place a fair and *coherent global Internet fee system* that is based on the use of the Internet resources and on the revenues and profits generated by this use.

19. Also, the *multistakeholder model* <u>prevents us</u> from having **a coherent and performant information system on the Internet** with all the benefits that the Internet, the countries, the businesses, and the people could gain. There are about **3,4 billion Internet users** and about a **billion websites** (¾ of which are not active according to the statistics I read), and these numbers continue to increase, but we do not have a lot of information on the website owners (not to say that we have **almost no** information on the website owners, especially from the big corporations), and collecting several important information from the different website owners would allow us, **among others**, **(1)** to monitor the performance of the Internet Industry, **(2)** to promote and support economic growth in this industry, and **(3) to fight more efficiently (a)** the promotion of terrorism and violent extremism on the Internet and **(b)** cyber-criminality. The more we wait to create this performant Internet information system, and the more difficult it will be to create one in the future; and the more we lose **precious historical** data that we could be already collecting [for example, we could easily be collecting information to know precisely, who operates these more than **300 million active websites**, for what purpose, how much money is made with these sites, how many employees are working on them (if any), how many users visit them, how much Internet resources they are using, etc.].

20. ICANN and the Internet community surely understand what I am explaining you here, and necessarily know that because of the m*ultistakeholder model* of governance, the International Community and **the US** are wasting important amount of money and a chance **(1)** *to improve the Internet functioning* and **(2)** *to use the Internet more efficiently to resolve our global problems* (like poverty, inequalities, global warming, terrorism, ...). In its **8-12-16** *IPS report* (<u>exh. 9</u>), ICANN writes on page 6: '*the continued secure and stable operation of the Internet DNS, <u>under the multistakeholder model</u> **where no entity or country can exert control**, is <u>vital to ensuring that the Internet remains free and open, and continues to foster innovation</u>*'; ICANN makes it look like everything that a government does is bad, and that governments (or the UN) would **not** be able to ensure '*that the Internet remains free and open, <u>and continues to foster innovation</u>*', but **without** the **US government** and its financial effort, we would probably not have the Internet, and **without engineers** like Berners-Lee **at CERN**, a public international organization **financed** by European countries, we would probably not have the world wide web (…), so **governments** and international organizations (and in particular the UN), **can foster innovation**, can **hire talented engineers**, and **could make sure that** *the Internet continues to operate <u>in a secure and stable manner, and <u>remain free and open</u></u>*; it is **obviously** in everyone's (the public's) interest. So, even if ICANN, the *Global Internet Multistakeholder Community*, and NTIA (...) have worked hard on the transition, **it is critical** to give a chance to the UN to present an alternative proposal that fixes the multistakeholder model flaws before any transition (if any).

[**20.1** If the representatives of the Internet community could not and did **not** *identify what is broken in the actual system* in response to Senator Johnston question during **5-24-16** hearing, it is because <u>what is broken **is the multistakeholder model**</u>, as we have just seen it and you cannot fix that with another similar multistakeholder model not supervised by the US.]

2) The new Internet International Organization's advantages.

<u>**a) The possibility to manage the Internet more efficiently and to generate revenues much more important than what ICANN receives for everyone's benefits.**</u>

21. A new Internet IO - that would perform the ***Internet related functions*** of ICANN, IANA, IAB, IETF, ISOC, registries, registrars (…) - would not just **(1)** address all the flaws of the multistakeholder model and **(2)** manage the Internet more efficiently, it would also **(3)** give us a chance to use the Internet **more efficiently** to resolve some of our important global problems, **without losing** the best features of the multistakeholder model, like the possibility to consult **(a)** the private businesses from the Internet industry [Internet services providers ...] and **(b)** the universities and research institutes (…) on certain technical issues [the IO, including the UN, organize already this kind of

consultation (for example to prepare the SDG, experts from all around the world have been consulted and have rendered their recommendations,...)]. This new Internet IO could easily optimize the management of the Internet; for example it could have **(1) one team** in charge of selling all the domain names (from the different gTLD) and collecting the Internet fees for each type of site and gTLD, instead of having **several hundred** different teams to do this same work; and **(2)** a department handling all the root name servers, instead of having different operators like Verisign, USC (...). This new IO could also **(1)** develop and maintain a computer application that calculates the **appropriate** fee for each type of sites owners and based on the use of the Internet resources and on the revenues and profits generated by the uses of the Internet; and **(2)** organize the verification of the information it collects in cooperation <u>with the national administrations</u>.

[**21.1** The Internet is important for everyone (for the public, businesses, administrations, everywhere), so universities like USC, the University of Maryland, or businesses like Verisign, should not run part of the Internet; **it is not their role in society**; a public and international organization should assume this task (...). The work of ICANN (…) linked to the DNS, the protocols, the numbering, ..., and the architecture, is a very technical work that should be done in an **independent** and **professional** manner to maintain a high level of services for the users; but there are also some related issues or tasks like controlling the content of site **while respecting the human rights** including the principle of **free speech**, that are important also and that could be done **more efficiently** by the UN in cooperation with the UN member states; and the UN could find the **right balance** between the international control that would help everyone and the national control that is done at the national level for certain countries and certain situations, so that the system works more efficiently for everyone. **Finally, the UN is better equipped than ICANN to point out a problem when a member state's specific use of the Internet violates the human rights like the freedom of speech**.].

      22.   This new Internet IO **could** and would be **allowed** to generate revenues **more important** than what ICANN receives, so it would have the resources that ICANN does not have to improve **(1)** the Internet functioning and **(2)** the services it renders to the users, including the large corporations that are websites owners. If Google [and other big corporations like the big banks], paid a $50 000 or a $100 000 (...) **annual fee** for its google.com [google.fr (...)] domain names [or for domain name like CreditAgricole.com], it would **not** hurt very much their **$1 billion** <u>or more</u> **quarterly profits,** and it would allow this new Internet IO to generate an annual revenue **well above $1 billion**; and part of this revenue could be used to render special services to the people around the world, to the UN member states (including **the US**), and **to these big corporations** like **(a)** increasing significantly and more rapidly the number of Internet users and **potential customers** for them, and **(b)** fighting more efficiently cyber-criminality that is a grave problem for banks...   If we create this new Internet IO, we should also consider the creation of a joint department between this Internet IO and Interpol to fight more efficiently cyber-criminality and the promotion of violent extremism and terrorism **online** (...).

[**22.1** Recently, *Barclays* became the first bank **to support Interpol efforts in combatting cybercrime**; as the head of Interpol IGCI explains it '*the scale and complexity of today's cyber-threat landscape means cooperation across all sectors is vital*'.   This new IO in cooperation with the UN and its member states, and Interpol, would also be more efficient in fighting the promotion of violent extremism online because of its expertise and of the additional resources it could generate. Mr. Kruger reserves a section on **this subject of fighting terrorism online** (exh. 5 , p. 27), and he explains **(1)** that ICANN does **not**, at this time, **regulate the Internet content**, so it cannot block sites that promote terrorism, and **(2)** that it is **unlikely** that the stakeholders allow it to do that, which is absurd. It is true that the definition of '*terrorist*' may vary in different countries, but I don't think that there is one UN member state that supports officially the **Islamic state** (terrorist group) or **Al-Qaeda** or even **Boko Haram**, and these terrorists groups are clearly identified **by the UN** and qualified as a threat to peace and security, so if we created a new Internet IO, it would be probably easy to obtain a *unanimous resolution* from the General Assembly forbidding the promotion of these terrorist groups online and asking this new Internet IO with possibly the help of Interpol and under the control of a special jurisdiction **(a)** to block any site that promotes the violent extremism of these groups, and **(b) to arrest those who put them online**. Again the UN is **not** against free speech, but this kind of speeches is clearly recognized as dangerous for the world, including for the US; you surely all remember 9-11.]

      <u>**b) The possibility to develop and maintain new global Internet applications necessary to resolve specific global problems and the development of the alternative to market capitalism.**</u>

      23.   Finally, this new Internet IO could also be tasked to develop (or organize the development of) and to maintain - in cooperation with UN member states - global Internet **applications** that would be used by the UN and its member states to resolve certain **specific global problems** [in the field of peace and security, development, human rights, international law (…), in fact in practically all the areas the UN and its specialized agencies are working in], and that would help **(a)** many people around the world at the same time and **(b)** the UN member states. As I mentioned it in my vision statement, this way of working **puts us in a WIN-WIN situation**; rich countries spend money to resolve one of their problems and at the same time they **decrease their ODA**

obligations, and poor countries benefit from **(1)** the new advanced administrative, justice, economic … systems and processes rich countries have developed (in cooperation with poor countries) and **(2)** the related global computer applications to implement them at no or at little cost for them, which is critical to achieve the SDG. This is a technical and financial challenge that ICANN cannot tackle, again for many reasons.

24. Examples of such applications are, of course, the global Internet applications necessary to implement a **common legal aid system** everywhere around the world (or at least in every UN member state that wants it) that I described to Mr. Becerra in April (exh. 16), and in in my **1-18-15** (exh. 17) and **4-11-16** (exh. 1) letters to the UNGA. Also, if we want to develop the ***alternative to market capitalism*** [the second proposal of my platform], we need to have a very efficient *international information system*, and to develop this international information system (and the necessary Internet applications to create it), we need this new Internet IO [see no 27 below]. The new IO's last responsibility I will mention here would be to design a **coherent strategy** to increase the number of Internet users and to organize the transfer of information and telecommunication technologies to poor countries. **Fewer than 7%** of households in LDC (about 950 million persons) have access to the Internet, so, of course, increasing this number significantly and transferring the appropriate Internet technologies to LDC's administration would play a critical role in their development [help improve the institution, including justice system, create economic growth …] and in their graduation. And again taking this people out of poverty and giving them access to the Internet will generate growth in the US also, by giving new customers to US companies.

C My application for the UN Secretary General position and the platform of proposals I defend to support it.

1) The ongoing UNSG selection process and the link with the Internet Governance issue.

25. As you know, the UN member states are now looking for **a new UNSG**, and 12 candidates have already been nominated. These candidates have presented their vision statements to the UNGA during a public informal dialog and also to the Security Council members during a private hearing; and the Security Council has already organized 2 straw polls which put twice **Mr. Gutierres** in first position, but the fact that he did not obtain an unanimous vote the second time, and the progress of Mr. Vuk and Mrs. Malcorra, and the fact that 5 candidates have as much or more support than they have 'd*iscourage*' **seem to show** that the UN Security Council is not yet sure who is the right candidate for the post or that it is cautious, a reasonable strategy. The Internet Governance is a **critical** issue for the UN because, as I explained you above, the new Internet IO would help the UN member states tremendously in their effort **(1)** to maintain peace and security and **(2)** to achieve the SDG and Paris Agreement objectives, but **none** of the 12 candidates has discussed this issue in detail or made a proposal to resolve the disagreement between the member states on this issue.

26. As you have understood it, it seems to me that the **disagreement** between those who favor the multistakeholder model and those in favor of the UN solution should not exist, and that it is based mostly on inaccurate information and arguments and on the ignorance of some critical arguments. The UN secretariat should have **(1)** tried to resolve the disagreement between the member states and **(2)** presented '*you*' (the US Congress) the many benefits that a new Internet IO would have **for everyone**, including the **US**, the **US** economy, the **US** businesses (…); and, to me, the UNSG candidates should have also addressed this important issue for everyone's benefit. Despite my efforts to talk about these different issues, in 2005 (exh. 15) and 2006 (exh. 14), and later, the arguments that I present you here were **never** discussed publicly or by you or the UNGA; and you are now about to take an important decision on this issue without having considered some important arguments; and the UNGA is about to hire a UNSG who, obviously, has no idea of what to do with the Internet to make the World a better place for everyone, or of how we could use it to achieve the SDG and Paris Agreement objectives and **to resolve** certain **US** problems, this is wrong.

27. It would be very sad if several **billions persons** around the world suffered because '*we*' did not use more efficiently this **Internet technology** to resolve certain of our complicated problems and to make the world a better place, when '*you*' (the US) have plaid a critical role in the development of this technology precisely (or at least also) for that purpose. The strategy that I proposed to UN member states to help them

achieve the SDG and Paris Agreement objectives, includes *to put the Internet at the center of our effort to resolve our global problems*, and also as principal action, *the creation of a new Internet IO,* part of the UN system, and, of course, I am convinced that this strategy would not just help poor countries to come out of poverty faster, but also that it would bring *economic growth* in (and *more prosperity* for) **the US**, so you understand why it is critical that you delay the transition as you have done it already last year. My letter to Mr. Becerra (exh. 16) presented him the 3 main proposals of my platform and he may have discussed them with some of you, but I still need to come back briefly on some of these proposals here to show you the benefit they bring to an advanced country like the US. In particular, I would like to talk about the proposal to develop the *alternative to market capitalism*, our old economic system that creates automatically grave inequalities, and about the proposal to develop a more efficient legal aid system that could be used by all the countries.

2) My proposals do not just concern poor countries, they concern also advanced countries.

28. The highest paid celebrity made **$170 million** last year, about **340 times** what the US President made, and about **500 times** what a Senator or a Representative made; I am not saying that the US President and you do not make a good salary that is enough to live in decent conditions; I am just saying that the US President's work and your work are difficult and important for everyone, and that they are **more** important for the community - when it comes to improving the living conditions of the people in the US and around the world - than the work of Taylor Swift, the musician who made **$170 million** [or the work of the highest paid soccer player (**$88 million**)]; and that these important **differences** in salaries amount to a *degrading treatment* - **a violation of human rights** [and, even if it is difficult to develop a new system, they also show a lack of courage on the part of politicians around the world and a form of corruption because their role is **to improve our society and systems**]. And it is not just you that are affected (or humiliated), it is also the policeman who risks his live and has also a difficult job when he must make sure not to let his personal feelings affect the way he treats a suspect who does not have kind words about him, and all this for a much smaller salary than yours (and I could have used other examples as well). I am **not** against rewarding talent (even the talent of sport stars, of musicians, actors...), I am just saying that being a good politician or civil servant (...) requires talent and integrity also and that this talent and integrity should be rewarded in relation to the relative contribution of the person to society's progress, and that our old economic system does not do this well enough.

29. I believe that we can develop a better and more efficient economic system **(1)** because the Internet **allow** us to develop **more precise** *international and national information systems*, **(2)** because we can build a new Internet IO that will allow us to develop more precise *international and national information systems*, and **(3)** because we have **the UN** that can organize the development of this new economic system and make sure that every country in the world participates in this difficult task, and that the new system is accepted by (and good for) everyone. We will be the ones writing the specification of this new economic system, so we can chose **(1)** to design a system that will help us **(a)** reduce the inequalities and pay everyone according to his/her relative contribution to society progress, **(b)** fight global warming, **(c)** promote economic growth (…), and more generally **(2)** to design a system that is more compatible with our political system, democracy. This is, of course, a complex and long term project, but I don't think that it is necessarily a more difficult project than sending robots roll on the planet mars (…), so we can do it and do it well also, especially if everyone participates including the US experts.

[**29.1** Another proposal I defend is to build on what rich countries have achieved to develop **more efficient** justice systems and processes that can be used by many different countries, like for example **a more efficient legal system.** To develop an efficient legal aid system is not an easy project because the legal (constitutional), budgetary, and organizational **constraints** are **very strict**; and it costs a lot of money to make such a system work properly because the work that the lawyers do is **often complex and expensive**, but if we **(1)** use the new information technology efficiently, **(2)** cooperate to split some of the '*administrative*' costs, and **(3)** put in place a mechanism to charge the loosing parties opponents of the poor, we can come up with a good solution for a reasonable cost, I believe. This proposal also requires the creation of the new Internet IO, and the global system developed could help potentially **about 4 billion persons**. I have explained the problems we encountered in France in this area and a possible solution to resolve them in my **1-18-15** letter to the UNGA (exh. 17). And as you can read in exh. 1 , France refuses to admit that its legal aid system violates the French constitution and the human rights, and it has maintained its dishonest system for the poor for **more than 25 years** (it was one the reason why I asked for asylum in the US in 2002), and recently the highest Courts and the Government cheated to prevent me from obtaining justice and to avoid having to rule that the law is unconstitutional (!). **The US does not have a public legal aid system in civil and administrate matters, and for the victims of crimes, so it could use such an efficient legal aid system**. My letters to Mr. Hollande (exh. 11) and the French Senators and '*Representatives*' (exh. 10) present additional information on all these issues, in case you need it].

30.   Mr. Kruger mentioned also that some of you were concerned about losing the exclusivity you have over the **.mil and .gov** TLD, and, you would not need to worry about this if we created a new Internet IO because it could give you the exclusivity for this two TLD for the next two hundred years or more, and bring you all the possible services to facilitate your work [and, of course, it could also extend the same courtesy to other countries with similar but different gTLD]. The 2 proposals that I have just described makes it even more critical that you extend the delay to realize the transition **to 2017**, and that you let the UN make you a precise proposal of what it can do with the Internet to serve every one better, **including the US**. There is **no reason to rush** without having studied an alternative proposal when the well-being **of more than 7 billion persons** is at stake; and I think that ICANN should have welcomed an alternative proposal from UN to make sure that its solution was the best one. The UN could have a detailed proposal ready for you to study **within six months** (if I were elected UNSG), and, of course, you and the US Government could encourage the UN member states to hire a new UN Secretary General who wants to use the Internet more efficiently to resolve the world's problem, by supporting my application for this job, and even by nominating me for the UNSG position.

[**30.1** Also, if we created a new Internet IO, New York, near the UN, would be a good place to locate it, so you would not have to worry about seeing ICANN successor leaving the US soil or seeing the Internet being fractured.].

D Conclusion.

31.   According to Mr. Kruger's 2 recent research documents (exh. 4 , exh. 5), it seems that '***you***' (the US Senators and Representatives) and the US Government have the capacity to delay the transition prepared by ICANN **until 2019**, so if you have not yet taken your final decision (as it seems the case), I believe that it is **in the US and the World's** interest that you do delay this transition another year. I understand that ICANN, the Global Internet Multistakeholder Community, and NTIA (and some other US entities also) have worked hard on this transition proposal, but **(1)** the well-being of **more than 7 billion persons** is at stake, **(2)** you have not considered all the pertinent arguments on this Internet Governance issue, and **(3)** ICANN has not been partial in its analysis of the situation and has not looked at the big picture, meaning it has not looked at how the Internet could be used to resolve some of our complex global problems. Moreover, if the transition is ready for September 30, 2016, it will also be ready for September 2017, but if you do not study the possibility to create a new Internet IO, billions of persons will suffer. Again, a delay would give a chance to the UN present an alternative solution within 6 months.

32.   Above **(1)** I have analyzed in detail the arguments that were presented to you, **(2)** I have pointed out some obvious mistakes that were made in some argumentations, **(3)** I have identified several important arguments that have been completely ignored or forgotten, and **(4)** I have summarized several benefits of creating a new Internet IO. Because of the urgency of the matter, **(5)** I have also written to the UN member states (exh. 0) and encouraged them to ask you and the US government to delay for another year the transition process that started **in 2014**. This Internet Governance issue is critical for the UN and for everyone around the world because the creation of a new Internet IO and the possibility to develop global Internet applications to resolve certain global common problems, would help the UN member states tremendously in their effort **(a)** to maintain peace and security and **(b)** to achieve the SDG and the Paris Agreement objectives within the time frame of **2030**. The creation of a new Internet IO would support the work of almost all the departments, programs, funds and agencies within the UN system, and it **fits perfectly** in the different ongoing programs, so its contribution to the world progress would be significant.

33.   The UN Secretary General selection process gives you an opportunity **(1)** to look at this recurrent question of the Internet governance a little differently, **(2)** to encourage the UN to use the Internet **more efficiently** to resolve the world's problems, and **(3)** to encourage the election of the UN Secretary General who is committed to use the Internet more efficiently to resolve the problems of the world, as I am and would be. The candidates who have been nominated did not present any proposal to do that, this is why I believe that my nomination for the UNSG position is still pertinent and in the interest of all the countries in the world, including **the US**. Given the number of countries in favor of a UN solution, if the US accepted to create a new Internet IO, there would most probably be a consensus between the UN member states on the project and also between the 5 permanent members of the UN Security Council; and, of course, this

consensus could lead to the election of a new UNSG based on his proposals, and would be the result of one of UN member states special effort **(1)** to develop an important technology for the world, and **(2)** to unify the UN member states behind several projects using this technology that are critical for the world (a first).

34. It is difficult for me to send a copy of my letter to every Senator and Representative, so I would be grateful to those of you who will receive it, including those that I have named in the title of this letter [MM. McConnell, Reid, Thune, Ryan, McCarthy and Becerra, and Mrs. Pelosi] if they could make sure that all the other Senators and Representatives receive a copy of this letter as well (I will try to send this letter by email and by mail). And, of course, I look forward to hearing from you and remain

Yours sincerely,

Pierre Genevier

PS. The PDF version of this letter is at http://www.pierregenevier.eu/npdf2/let-us-congress-23-8-16.pdf. Please let me know if you cannot access certain documents (with the Internet links), and I will send you the PDF copy by email.

Exhibits.

Exh. 0: Letter sent concurrently to the UNGA, 8-23-16, [http://www.pierregenevier.eu/npdf2/UN-cand-UNSG-3-23-8-16.pdf]
Exh. 1: Letter sent to M. Lykketoft and the UNGA, 11-4-16, [http://www.pierregenevier.eu/npdf2/UN-cand-UNSG-11-4-16.pdf]
Exh. 2: Letter sent to M. Lykketoft and the UNGA , 7-5-16, [http://www.pierregenevier.eu/npdf2/UN-cand-UNSG-2-5-7-16.pdf].
Exh. 3: Vision statement, [http://www.pierregenevier.eu/npdf2/vision-8-4-16.pdf]
Exh. 4: Mr. Kruger's Internet research report dated 6-10-16, [http://www.pierregenevier.eu/npdf2/uscong-internet-gov-res-10-6-16.pdf].
Exh. 5: Mr. Kruger's Internet research report dated 3-23-16,, [http://www.pierregenevier.eu/npdf2/uscong-internet-gov-res-23-3-16.pdf].
Exh. 6: China, Russia (…) Internet Code of conduct, 1-13-15, [http://www.pierregenevier.eu/npdf2/China-Russia-int-cod-conduc-1-13-15.pdf].
Exh. 7: Letter dated 6-9-16 from Mr. Strickling to ICANN, [http://www.pierregenevier.eu/npdf2/NTIA-to-ICANN-6-9-16.pdf].
Exh. 8: Letter dated 8-12-16 from ICANN to Mr. Strickling, [http://www.pierregenevier.eu/npdf2/ICANN-to-NTIA-8-12-16.pdf].
Exh. 9: ICANN's implementation status report dated 8-12-16, [http://www.pierregenevier.eu/npdf2/iana-imple-plan-status-12-8-16.pdf].

Other Related documents

Exh. 10: Letter to the French deputes, senators …, 5-17-16, [http://www.pierregenevier.eu/npdf2/let-polit-press-media-17-5-16.pdf].
Exh. 11: Letter to M. Hollande dated 3-17-16, [http://www.pierregenevier.eu/npdf2/let-Hollande-cand-UN-17-3-16.pdf,].
Exh. 12: Brief biography, [http://www.pierregenevier.eu/npdf2/bio-SG-can-17-3-16.pdf].
Exh. 13: 2nd UNSG application dated 1-12-11; [http://www.pierregenevier.eu/npdf2/letungaBP-Pre1-12-11-4.pdf].
Exh. 14: 1st UNSG application dated 6-14-06, [http://www.pierregenevier.eu/npdf/ungeneralassemb.pdf].
Exh. 15: Letter to the UNGA dated 11-29-05; [http://www.pierregenevier.eu/npdf/uscongress10-20.pdf].
Exh. 16: Letter to US Representative Becerra dated 5-23-16; [http://www.pierregenevier.eu/npdf2/let-Becerra-25-4-16.pdf]
Exh. 17: Letter to the UNGA dated 1-18-15; [http://www.pierregenevier.eu/npdf2/letunga-7-1-18-15.pdf].

File name: let-us-congres-25-8-16.doc