Governing the Internet

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Class Outline

- 12:15-12:30: Christi discusses Tufts lecture.
- 12:30-1:30: Dinsha discusses Governing the Internet.
- 1:30-2:00: Assignment 2 discussion.
Agenda

- Possible options: ICANN vs. the UN

- Where we are today:
  - ICANN's structure
  - UN's role in regulation

- Where we will be in the future

- Discussion

Why coordinate?

- Social/Human Rights
  - Int'l Organizations: UNESCO, UNICEF
  - NGOs/Private Organizations: Red Cross, Amnesty

- Security
  - Int'l Organizations: UN Peacekeeping, NATO
  - NGOs/Private Organizations: Mercenaries, Nobel Foundation

- Economy
  - Int'l Organizations: World Bank, IMF
  - NGOs/Private Organizations: Grameen Bank
What needs to be regulated/coordinated?

- **Social Issues**
  - Contents (pornography)
  - Patents and copyrights
- **Security**
  - Attacks to networks and systems
  - Threats to national security (?)
- **Economy**
  - eBusiness...Making the Internet accessible to more people.
- Websites? Emails? Online interactions?

How do we determine what is subject to regulation and what is not?

The options

- One country controls the regulation of the Internet (the past – DARPA/US).
- Privatized organization oversees all Internet regulation (currently – ICANN).
- International organization (the future? — Global Internet Council).
The origins of the Internet and the formation of Internet regulation

1983: Birth of Internet
1991: World Wide Web forms
1998: ICANN forms
2005: World Summit on Information Systems held in Tunis

What we currently have: ICANN

- ICANN stands for Internet Corporation for Assigned Names and Numbers.
- Private, not-for-profit organization designed to regulate certain aspects of the Internet.

http://www.icann.org/general/org-chart-13jan04.pdf
The Governmental Advisory Committee

- Includes national governments, international organizations, etc.
  - Every country is eligible, though several choose not to participate

- Gives advice to ICANN about existing laws and international agreements where they may affect policy issues.

Relevant statistics of ICANN’s Board of Directors

- Currently led by Vinton G. Cerf (Google)
- 2 from Oceania, 2 Brazilians, 2 Africans, 1 Chinese, 1 Malaysian, 1 Mexican, 1 Bulgarian, 1 Japanese, 1 German, 1 Chilean, 5 Americans (2 others are unlisted)
- And yet, structure is heavily Amero-centric
The apparent philosophy of ICANN

- Focused on issues pertaining to domain names.
- Will not set policies on other facets of the Internet.
- Will not tax Internet activities.

UN history of (attempted) Internet regulation

1865: International Telecommunications Union forms
1945: UN forms and eventually controls ITU
2003: First World Summit on the Information Society (WSIS)
2005: Second WSIS in Tunis

- Four proposed models:
  - Global Internet Council: Take over ICANN with governments and other stakeholders.
  - Make ICANN’s Governmental Advisory Committee a forum for debate by including various governments.
  - Form International Internet Council to take over ICANN’s role
  - Form three new bodies:
    - Global Internet Policy Council (addressing public policy issues)
    - World ICANN
    - Global Internet Governance Forum where governments debate key issues.
35. We reaffirm that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant inter-governmental and international organisations. In this respect it is recognised that:

- Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues;
- The private sector has had, and should continue to have, an important role in the development of the Internet, both in the technical and economic fields;
- Civil society has also played an important role on Internet matters, especially at community level, and should continue to play such a role;
- Inter-governmental organisations have had, and should continue to have, a facilitating role in the coordination of Internet-related public policy issues;
- International organisations have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies.

From: [http://www.itu.int/wsis/docs2/tunis/off/6rev1.html](http://www.itu.int/wsis/docs2/tunis/off/6rev1.html)

- Formation of Internet Governance Forum, leaving most rights to ICANN, for now

### Four key issues

- US or global?
- Private or public? How democratic?
- How much government control?
- How much regulation?
ICANN or the UN?

**ICANN**
- Primarily US-focused
- Private
- Low international cooperation
- Has increasingly contained itself to DNS issues

**UN**
- Governments of the world
- Public
- High international cooperation
- Could exercise a greater degree of regulation

Is ICANN’s close association with the United States a problem?

+ Most Internet users are American.
+ History of Internet...Produced by DARPA for the US military.
+ Most websites and most servers are US-based.

- ICANN’s dependency upon the US allows the US to determine Internet policy.
- The Internet is an expanding global tool.
Private or “public” regulation?

Democracy = Rule by the people

- Neither the UN or ICANN are democratic structures, but both have democratic ideals.

- The UN has country-based voting and positions are assigned to disseminate power.

A democratic history of ICANN

- July 1997: Pres. Clinton issues Executive Order calling for the privatization of the Internet Domain Name System (DNS)
- September 18, 1998: ICANN forms.
- Fall 2000: ICANN holds an online global election for 5 directors. 75k people register to vote on election.com (34k actually vote).
- December 15, 2002: Elected directors’ terms end and ICANN reverts to previous mode of appointment.
Internet taxation

- Currently all ICANN revenues are generated by domain fees.

- For FY 2005, ICANN’s operating budget was about $15.83 million, with revenues mostly originating from the sale of domain names and from the US Department of Commerce. In FY 2001, ICANN’s budget was a fraction.

- The Internet is currently tax-free, loosely-regulated, and not policed.

Government cooperation?

- Currently if a government wants to control anything not nomenclature-related, it can only do so individually.
  - Children’s Online Privacy Protection Act
  - Patriot Act

- Is government control necessary to begin with?
What could be regulated?

- DNS?
- Network security?
- Financial transactions?
- Data privacy?
- Internet content
  - Pornography, hate speech,
  - Copyright violations,
  - Deceptive business practices/consumer protection
- Multi-national commercial disputes
- Definition of technical standards
  - Network surveillance and traceability
- Internet gambling
- Spam

From [http://www.aptsec.org/meetings/2003/nsm/Malaysia-Sem/Session-3_Malaysia-MCMC.ppt#17](http://www.aptsec.org/meetings/2003/nsm/Malaysia-Sem/Session-3_Malaysia-MCMC.ppt#17)

The Future

- UN will consume ICANN, but will avoid divisive policy issues.
- As a result, Internet governance will remain focused on DNS, but may also develop Internet security and increased taxation.
- Internet governance will also be focused on expanding Internet access to all.
Conclusion

We currently have an unregulated and confusing system of Internet governance, but this system allows more freedoms and greater privileges.

Class discussion

- Should ICANN or the UN or some other democratic structure be in charge of the Internet?

- To what extent should any organization regulate, monitor, and tax activities taking place over the Internet?