



Governing the Internet

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17.918

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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.

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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

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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

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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?

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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).**

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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**

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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-12jan04.gif>

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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.

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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.



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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.

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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.

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Tunis Resolution

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

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Four key issues

- **US or global?**
- **Private or public? How democratic?**
- **How much government control?**
- **How much regulation?**

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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

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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.

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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.

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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.

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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.

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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?

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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

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

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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.

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Conclusion

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

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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?**

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