

The U.N.'s Net Gambit

Internationalizing Internet Governance

In November 2005, the United Nations convened the second session of its World Summit on the Information Society (WSIS). Dignitaries and diplomats traveled to sunny Tunis to ogle the latest in techno-gadgetry—like Nicholas Negroponte's \$100 laptop, described below—and to bicker over who should control the Internet.

Since 1998, management of a key part of the global computer network

has fallen to the Internet Corporation for Assigned Names and Numbers (ICANN), a nonprofit corporation located in California. Acting under a contract with the U.S. Department of Commerce, ICANN administers certain critical technical details that keep the Internet working properly; in particular, it supervises the domain name system and allocates Internet Protocol addresses. The Clinton administration created ICANN as a stopgap, with the

intention of transferring control to a permanent organization once ICANN's initial contract expired in 2006.

ICANN's stewardship of the Internet has been attended by a great many controversies from the beginning, but underlying them all has been the degree of control the United States retains over the Internet. Several countries—China, Iran, Brazil, Cuba, Saudi Arabia, and others—have argued that ICANN's contract gives the U.S. undue influence over a vital “global resource.” The United Nations began to explore the question of Internet governance in 2003 with the first session of the WSIS in Geneva. Two years later, as preparations got underway for the second session, the Bush Administration feared that the U.N. would attempt to wrest away control of the Internet, so it issued a brief statement announcing it had extended ICANN's tenure indefinitely.

What's at stake might seem like straightforward technical issues—how to ensure that domain names match the right websites and so on—but such decisions can have a big impact on foreign policy and international commerce. The allocation of country codes raises questions of national sovereignty—as when China protested ICANN's decision to give Taiwan a separate country code (“.tw”). The recent stir over the creation of a separate top-level domain (“.xxx”) to identify pornographic sites is just one example of how questions of technical administration implicate deeper policy concerns. In the current age, when the

Internet affects every dimension of private and public life, the technical is the political.

The European Union began calling for an internationalization of Internet governance last September. “No one is denying that the U.S. government has done an excellent job in ensuring that the administration of this system has been fair and efficient,” said the EU's commissioner for information society and media, Viviane Reding. “But many countries are questioning if it is appropriate for one government alone to supervise such an important part of the infrastructure.”

Such dissatisfaction with American control of the Internet raised the specter of what some call the “nuclear option,” or a Balkanization of the Internet: the threat that disgruntled countries could set up a rival Internet with its own naming system.

After some tense back-and-forth discussions before and during the WSIS meeting, an agreement was reached—“one that was as face-saving as possible for both sides,” as one commentator put it. The United States agreed to give other governments more control over their own country codes. The U.S. also agreed to the creation of a new U.N.-sponsored Internet Governance Forum (IGF), which will have no oversight powers but will serve as a platform for countries to *discuss* Internet governance issues. The IGF is scheduled to meet for the first time later this year.

So the status quo will continue—at least for now. “The real result of WSIS

is that the debate over ICANN and Internet governance will be prolonged for another five years,” said Milton Mueller, a Syracuse University professor and an authority on Internet governance. “The U.S. can claim a short-term victory but faces a long-term war of attrition that will gradually erode its position.”

Some critics fear that turning control over to the United Nations would politicize the Internet and stifle freedom of speech. These skeptics argue that the repressive regimes calling for a hand in Internet governance really just want more control over online content. Anyone who reads the transcripts of the WSIS meeting, where some countries’ representatives mouthed bromides about expanding Internet access and restricting spam while their leaders have been erecting firewalls to keep out unfavorable speech, would be inclined to agree. And the choice of Tunisia as host country for the WSIS gathering must surely rank with the election of Sudan to the U.N. Commission on Human Rights as a portent of bad things to come. Just before the WSIS meeting, Tunisian ruler Zine El Abidine Ben Ali came under criticism from human rights activists for controlling Internet access and jailing journalists. In response, Ben Ali forbade free-speech activists from attending the conference and even had his henchmen beat up and arrest a few journalists for good measure. The U.N. shrugged off the controversy.

U.N. governance could also mean new tolls on the information super-

highway. During the various meetings preceding the WSIS gathering, the U.N. floated a number of proposals for taxing Internet use. One report suggested that the U.N. might encourage a tax on domain names to pay for “universal access” to the Internet in poor countries. Other plans include a 1999 scheme to place a tax on e-mail. And as even supporters of U.N. governance—such as Peng Hwa Ang, a member of the U.N. Working Group on Internet Governance—admit, it’s an “open secret” that Internet governance became an issue because the International Telecommunications Union (a U.N. agency with both countries and companies as its participating members) hopes to replace revenues that might be lost as new Internet-based technologies like instant messaging come to replace the telephone.

In the quest for new tax dollars, supposed American dominance of the Internet has been a convenient excuse. But the fact is that the U.S. isn’t really in control; the Internet is remarkably decentralized. “Ninety-nine percent of the Internet is in private hands,” said Vincent Cerf, chairman of ICAAN and one of the Internet’s founding fathers. “If you’ve got a computer at home, and a cable box or DSL line, you own a piece of the Internet. Most of the Internet is owned by the private sector, by businesses, by ISPs, by individuals, by governments.”

Plus, even though it reports to the U.S. Department of Commerce, ICANN already is somewhat of an international body. Its chief executive, Paul Twomey,

is Australian. Only three Americans are on its fifteen-seat board of directors. Only six of the twenty-two seats on its main policy-making body are held by Americans. Its ten-person At-Large Advisory Council has only two Americans. And it goes out of its way to hold its quarterly meetings all over the world—Bucharest, Kuala Lumpur, Santiago, Cape Town, Vancouver, etc.

To be sure, much of the criticism of ICANN is reasonable. ICANN was

slow to approve new top-level domains. It has lacked procedural and accounting transparency. And some claim it has been too friendly with trademark owners. But ICANN's flaws will seem as nothing when compared to the kinds of bureaucratic bungling and corruption that U.N. meddling would likely bring. And ICANN's relatively light touch has enabled the Internet to thrive in ways that international regulators would surely squelch.