THE GLOBAL INTERNET AUTHORITY - A SYSTEM OF EQUAL GOVERNANCE FOR THE FUTURE.

Sunday, 28 April 2002. 10:17:53 GMT.

VERSION 1.0

FOREWORD

Congratulations, to Mr Lynn for taking the crucial step of suggesting the improvements outlined in his proposal for the reform of ICANN.

While Mr Lynn’s proposal is a step in the right direction, I fear that reworking ICANN in any manner that falls short of a “global democracy” will fail to provide a long-term solution to the concerns and interests of all parties.

That said, we should be asking ourselves whether our expectations and demands of ICANN have been justified. Should ICANN be, or is it capable of pulling together a body which caters to everyone’s individual tastes and preferences.

If there are issues with which we disagree, then instead of forcing ICANN into a point of no return and stalling its progress, we should be proactively working towards a solution.

However, I feel that the task ahead goes way beyond the ability of a single organisation. It is not simply a question of whether the controlling body is a Californian, Kenyan or for that matter a German registered entity, but more importantly whether it has the reach and broad support.

As such, before attempting to rework ICANN, we must question whether this is the correct route for us to be taking. We must take several steps back, and look 10-15 years into the future and attempt to envision the kind of structure that will be required to manage and direct what in effect will become a “global superstructure” of unprecedented economic and social importance.

Leaving our nationalistic interests aside, we should immediately embark upon the development of a blue print for a truly universal and democratic body, that through its organisational structure will be able to represent the individual interests of the global community.

Once defined, this blue print should become the sole focus of all parties concerned. Rather than focusing upon the introduction of short term fixes, we should focus our energies and combined efforts upon the immediate laying of a foundation suitable for the long-term.

INTRODUCTION

Since its inception, ICANN has assumed roles for which it was not established and in doing so has attracted criticism for amongst other things its contractual ties to the United States Department of Commerce (DoC).

It has been suggested that, through ICANN’s dual role as technical coordinator and evolving “global policy maker”, the US Government may be infringing the Administrative Procedures Act (APA) and the United States Constitution.(1)

It is quite clear that, for the ultimate authority to remain impartial and totally acceptable to the international community, it must have no ties to any single nation or governmental department/agency.

While the management of the DNS may suit the original remit of a single organisation like ICANN, decisions concerning the global governance of the Internet are an entirely different matter.

When discussing his views on the global electorate Mr Lynn has pointed out that, “irrelevant factors other than the stability and security of the DNS may motivate a very large segment of any conceivable electorate”.

This is an extremely important point and one, which may be mixing up the debate and disguising the true reason why those external to ICANN are calling for the right to participate.

Quite rightly, the running of the DNS is not likely to be of interest to many. However, it is not so much the technical aspects of ICANN, which the public wishes to comment on, it is the policy and regulatory issues, which ICANN is now moving to control.

THERE MUST BE A CLEAR SEPARATION BETWEEN CONTROL OF THE DNS AND CONTROL OVER POLICY

As such, every effort should be made to ensure that the power being accumulated by ICANN through its control of the DNS is not allowed to interfere with the democratic powers and due process(s) which should come into play when considering matters such as the creation of new gTLD’s or the re-delegation of an existing ccTLD.
It is imperative to recognise that the technical coordination of the root zone servers is but one component of the Internet, and that with the economies of all sovereign territories and commercial enterprises depending upon its running, the management of the DNS and its controlling body (ICANN) should be answerable to the global community, under the auspices of a suitable authority.

Through this document I seek to propose the creation of the Global Internet Authority (GIA), since I believe it offers the most logical and acceptable solution to the global governance of the Internet. The GIA would be self funded, self regulated and totally independent from any state or governmental agency.

In explaining this proposal, I will begin by focusing on the domain name registrant and work up through the national and continental bodies, up to the GIA.

PLEASE NOTE: This proposal is far from complete. It merely touches topics of great depth and is simply suggesting a possible solution to the growing concerns, presently circulating throughout the Internet community. Should anyone wish to make any comment (both negative or positive) which could assist in strengthening this submission, then please do not hesitate to contact me: andrewdudley.com

Figure 1. Proposed Global Internet Authority and its supporting Continental, National and related bodies.

www.andrewdudley.com/gia.htm

DOMAIN NAME REGISTRANTS

As the foundation of this entire structure, the domain name registrant is seen as the ultimate power.

At the point of registration the domain name registrant will pay a membership fee, which will be included in the wholesale cost of their registration. Once collected by the gTLD or ccTLD manager, this money would be used to fund the regulatory structure within the respective nation. Each national registry would then contribute a proportion of this money to the continental authorities, which in turn would pass on a smaller amount to the GIA.

Since the gTLD registries are not exclusively affiliated to any specific nation or continental, it is suggested that they contribute directly to the GIA and/or the continental authorities, since it is here that the cost and upkeep of the root zone servers will be met.

All domain name registrants will be actively encouraged to participate in their regulatory regime. While it is recognised that some will and some will not participate, the overall aim is simply to ensure that power in the form of funding and voting will flow upwards at all times.

NATIONAL AUTHORITIES

As Mr Lynn has correctly pointed out Governments for better or worse are true representatives/guardians of their national/economic interests and are without doubt ideally positioned to protect the interests of their respective populations.

While there are many ways to suit the individual governing style of the world’s nations, I believe that the Australians (Australian Domain Authority - AUDA / www.auda.org.au) have provided us with a localised blue print,
which clearly demonstrates the ability of public and private governance to coexist in a manner, which protects a ccTLD in the interests of a nation.

While the regulation of the dot .au namespace is undertaken by a private self-regulatory body, the Australian government has attained reserve powers that allow it to assume control of the ccTLD and re-delegate management, in the event that self regulation fails.

More importantly, having established a clear separation between the regulation of policy and commercial operations, AUDA has ensured that all policy and regulatory decisions are made in the interests of the individual user and ultimately free from any potential conflict of interest, or any pre-conceived idea of self-preservation.

If this mix of private and public governance succeeds, then it will provide the firmest foundation for development of a global superstructure, such as the proposed GIA. In fact, with such a relationship in place and their specific interests taken care of, it may be that there will be no need for Governments to participate at any level higher than this.

Government intervention/involvement should, and need only exist at, a national level. There should have no further involvement than to protect the interests of their populations.

If they did participate at a level higher than this, it could bring into question the impartiality of the resulting body. Apart from the European Union, where an appointed public official would be considered sufficiently representative of its landmass, there appear to be few examples where participation of 1 or 2 nations would be deemed acceptable.

However, it may be considered that a body similar to the GAC could operate alongside and in cooperation with the continental bodies, or maybe 2 sovereign states could appoint on a revolving/yearly basis, a government official to join the board of the continental authorities.

CONTINENTAL AUTHORITIES

For the purpose of this document I have focused ultimately on the grouping of sovereign states on an ad hoc continental basis. It may be that sub continents such as the Middle East that would be more efficient at representing local religious values/customs, could be incorporated into this structure.

Being better placed to understand the needs of its immediate population, the continental bodies would seek to represent the views of its national registries.

It is perceived that each continental authority would comprise of a representative from each national authority and would as mentioned earlier derive its income from each member state.

Furthermore, as discussed below, the continental authorities would be charged with the task of funding all matters relating to the running of the “root zone servers”.

GLOBAL INTERNET AUTHORITY

As the ultimate authority the GIA would derive its power from the continental and national authorities.

It is suggested that each continental authority could appoint one member of its board to the GIA, along with ICANN and WIPO, who could also appoint a representative. Additional places could also be made available to people outside of the continental and national regulatory structure.

Question: Would the appointment of board members to the GIA be down to a global vote, or would the voting be restricted to Continental and National regulatory members? Would the public even be interested in such a matter?

Ultimately, the GIA would take control of all issues concerning the global running of the Internet. In short, it would assume responsibility for all policy-making and regulatory issues presently being assumed by ICANN. Under this scenario ICANN would be left to focus upon the technical coordination of the DNS and would operate under the auspices of the GIA.

Furthermore, the GIA would operate in a totally transparent manner. There would be no closed meetings and all minutes would be publicly available.

Examples of how the GIA would respond to certain situations:

When considering the creation of a new gTLD, the GIA would call upon the continental authorities, which in turn, would consult the national registries in order to facilitate the comments of their domain name registrants.
For the re-delegation of a ccTLD, the GIA would either make the decision itself, or consult the continental authorities and/or more specifically the continental authority directly involved. Since such an issue would probably not interest an individual user outside of the nation in question, the full global reach of the GIA would not be required.

There has been much criticism over the use of online/electronic voting. This should not be a concern at this time because I am quite confident that by the time a sizable proportion of the world's population become aware of a body such as the GIA and/or even begin to show an interest in voting, online polling will have proven itself as an efficient, secure and cost effective way of gauging public opinion.

ROOT SERVER MANAGEMENT

Although technical coordination should lie with a single organisation, the management and running of the DNS system is a global responsibility and should be handled accordingly.

While the reluctance of many ccTLD managers to enter into formal contracts with ICANN over the running of the “root zone servers” can be appreciated, it is completely unacceptable.

Under this proposal, this contentious issue would be resolved, since the financial cost of running the root zone servers would be borne by the continental bodies, who would assume even responsibility for a predefined number of servers and locate them accordingly. Since technical coordination of the DNS would be undertaken/overseen by ICANN, the Continental Authorities and/or the GIA would be invoiced by ICANN for professional services.

Since it may take time for certain continents to achieve financial stability, it is suggested that the more affluent continents, such as the Americas and Europe should subsidize their responsibilities.

Finally, from a security point of view the decentralisation of the root zone servers would dramatically increase security. What would be the effects to the network if Washington and the surrounding areas suffered a catastrophic nuclear attack? [http://www.wia.org/pub/rootserv.html]

CONCLUSION

For many, the thought of ICANN assuming the role of technical coordinator and global policy maker is totally unacceptable. It is quite simply not acceptable for ICANN to use its control over the DNS to enforce its own agenda.

Having reviewed Mr Lynn’s proposal, I personally don’t think that the appointment of several Government officials into an ‘insular’ ICANN will make it palatable and/or make up for its evident shortfalls.

Although, it will be no small feat and may take several years to implement, the GIA would provide a broader community with the opportunity to participate in the future mapping of the Internet. Furthermore, while the technical coordination of the DNS will remain the focus of a single entity, the inherent power of such a position will be kept in check by the international community, via the GIA!

Never before have the economies and needs of every single nation, commercial enterprise, community group and individual been so dependent upon the global co-operation the GIA would endeavour to create. This proposal could offer the international community a unique opportunity to demonstrate a level of global cooperation and governance, never before seen.

Ultimately, the sole aim of the GIA would be to manage the Internet in the interests of all concerned in an open and totally impartial manner. Only if it succeeds in being recognised as a truly neutral authority by nations as diverse as France, China and Bhutan, will its power to forge a global consensus truly emerge.

The international community should move toward making its interests heard and demand that decisions, which affect the global operation of the Internet, are made in a fair and equitable manner.

We are already seeing a broad consolidation ‘safety in numbers’ attitude emerging as groups such as AFRIC and CENTR move to strengthen their global voice. However, rather than waiting for the inevitable power struggle, we should approach this in an “as the crow flies” manner and head straight for the common solution.

In keeping with the ethos of the Internet, ultimate power and control should be globally decentralised, so that power be shared by all!

Andrew Dudley
Liverpool, England

cannreform@andrewdudley.com
(1) Michael Froomkin: Wrong turn in cyberspace: Using ICANN to route around the APA and the Constitution. 
[http://personal.law.miami.edu/~froomkin/articles/icann-main.htm]