

DAG human rights concerns

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As gTLD's and particularly IDN gTLD's are rolled out there are many unknowns about what will happen. The unknowns regarding trademark and security are much debated. Less well-discussed are the unknown long-term impacts of the gTLD processes and procedures on free expression and right of assembly, particularly as regards the following types of people:

- minority ethnic groups,
- ethnic and linguistic groups spanning multiple national jurisdictions,
- exiled or refugee communities,
- ethnic diasporas,
- non-mainstream or persecuted religions,
- peaceful political opposition groups in one-party states,
- other peaceful non-mainstream or minority groups

One can envision scenarios in which sovereign governments, particularly those whose support for ICANN's coordination of the DNS is important to ICANN's future, might be able to use their superior funds, organization, linguistic and technical capacity, familiarity with ICANN, standing in the ICANN community, etc., to prevent groups fitting one or more of the above descriptions from operating gTLDs.

One can also envision scenarios in which an organization, with the backing of a sovereign government, applies for a particular string matching the name of an ethnic group or tribe whose members span several national jurisdictions. One can further envision that ethnic groups or tribes containing different sub-groups holding different views about their community's political or geographical loyalties might lack the funds, organizational and linguistic capacity to raise valid objections before a string is approved. It is also possible that a government-affiliated organization from a particular country could apply for a string representing the name of an ethnic group whose members are not currently using the Internet in significant numbers, as a way of proactively "claiming" sovereignty or control over the online identity of that group. As a result, those with power, money, organizational capacity, knowledge of ICANN, and foresight may be in a position to define the online identity of various ethnic, linguistic, and religious groups.

In the Affirmation of Commitments, ICANN has pledged to uphold the global public interest and not just the interests of those most active in the ICANN community. Thus it is important that the application process, objection procedures and dispute resolution mechanisms for community and geographical names be constructed with the rights of minority, vulnerable, stateless, powerless, and economically impoverished communities in mind. A number of questions need to be asked:

- How to ensure that such groups have a fair say in the creation of their online identities?
- How to ensure that online identities of groups such as those described above are not hijacked or usurped?
- How to ensure that expert panels are chosen in a way that does not have a built-in bias toward the interests of sovereign governments - to an extent that conflicts with minority groups' right to free expression, self determination, and right to assembly?
- How to ensure that groups with few economic resources are able to object or even know that a string application related to their group has been made?

In order to answer these questions and to ensure that the global public interest is best served, ICANN should consult a panel of independent experts specialized in international human rights law, particularly in the geopolitical issues surrounding displaced groups, refugees, religious minorities, and disputed territories. The panel's recommendations regarding string review, DRSPs or other dispute resolution panels and mechanisms, and application requirements for community and geographical names, should be incorporated into the final version of the DAG.

ICANN's credibility as steward of the public interest in the DNS would be bolstered further by the establishment of a permanent panel of experts in international human rights law and the geopolitics of minority and displaced groups, who would review all strings and flag potential concerns regarding the rights of vulnerable groups for further examination.

Sincerely,



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