Internet Governance: The United States won the battle, but will the Internet win the war?
Kevin M Rogers - University of Hertfordshire
K.Rogers@herts.ac.uk

Abstract
The second stage of the World Summit on the Information Society (WSIS) in Tunisia in November 2005 saw the long-standing debate over who should govern the Internet reach an apparent culmination. The vast majority of parties involved (over 10,000 people from over 170 countries) announced their acquiescence to the final agreement, which allowed ICANN to maintain responsibility for domain name allocation, while introducing a non-binding multi-stakeholder Internet Governance Forum (IGF) to be set up alongside. However, this current Paper will show that the agreement provides limited assistance to the ongoing discussion and resolution on Internet Governance, and furthermore that unless the key players – particularly the United States – alter their stance, the Internet is in danger of fragmentation and gridlock, which is a genuine possibility unless the governance of the Internet moves to an International level away from exclusive American control.

The dilemma is predominantly political in nature and one founded upon freedom of expression. Countries, such as China, Brazil and Iran – not renowned for their record on free speech - are seeking a greater say on the governing of the Internet and are seeking a move towards a multi-national, multi-stakeholder body and a move away from the ICANN method of regulation, overseen by the American Department of Commerce.

It is strongly submitted that the conclusion reached by WSIS is not a long-term effective solution to the conflict of controlling ideologies. Unless the governance of the Internet moves to a global, authoritative, multi-governmental, multi-stakeholder body, there is a real threat of fragmentation of the Internet. This is already being seen to an extent in China, which has over 100m Internet users, and has seen the government censoring online news services and bulletin boards, as well as more sensitive sites concerning democracy and Taiwan. It is acknowledged that having an effective international body will not equate to absolute free speech. Yet without such a body there is a real threat of countries reacting to the ostensible America arm of control and pulling away and creating their own root servers and domain name systems. This could lead to gridlock on the Internet as one domain name could be...

---

the address for a number of different websites around the world, within different spheres of control.

It is almost without doubt that since it inception in 1998, ICANN have regulated the Internet to a high standard. However, over the last 10 years, the nature of the use of the Internet has changed. Management of the structure requires continue alteration to reflect changes in use. The American reporter Ted Demopoulos stated:

The Internet has fundamentally changed. A little over a decade ago, it was US-centric and entirely non-commercial. Today, its scope is truly international and its economic importance is enormous and growing...Internet history has little bearing on current and future realities...it is the height of arrogance for the United States to insist on maintaining control of the Internet.\(^3\)

Although the Internet has evolved, its management has not. It is recommended that the constitution of ICANN needs to alter. Currently, the Board of Directors contains members from countries such as Chile, Mexico and Senegal, however the majority are American. Greater opportunity is needed to provide an internationally representative body. This could be made up from a selection of people from different areas of the geographic telecommunications world. Alongside, should be a body which is able to discuss the wider issues of the Internet (similar to the IGF recommended). However, it is essential that this body has binding authority, to ensure that all participants in the Internet are able to provide input into solving problems like spam, consumer protection and intellectual property right disputes.

Furthermore, this body should not be under the immediate control of the Department of Commerce, but should shift towards an independent international body similar to the International Telecommunications Union (ITU), thus removing the perception of American control, which is arguably the key bone of contention for many countries. The advantages of this dual-system would be fourfold. First, the good practice of ICANN could be maintained. Second, greater involvement by more countries and removal of American oversight will reduce the threat of fragmentation of the Internet. Third, domain name allocation could still be monitored, to ensure the free-flow of information. Finally, the binding multi-stakeholder body alongside, the reformed ICANN would be able to provide an effective governance of a system increasing used on a worldwide basis for trade, finance, communication and entertainment.

The conclusions made in Tunisia are not fully representative and the perception of American control has not been removed. Until this is revisited and altered, the Internet remains in considerable threat of break-up and potential gridlock.

---