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Topic: Why public representation in ICANN is necessary and how to structure it

Abstract: The At Large Membership is necessary to grant ICANN legitimation in ruling about very crucial issues on the Internet; diminishing its weight would mean to make ICANN illegitimate. It is necessary to keep the membership free and to structure it on a “glocal” way, so that smaller At Large Communities can exist, and can be used to provide simple and manageable local participation to ICANN, while building a hierarchical structure that brings the community’s ideas up to the top decision making place. But the lines along which these Communities form could vary – by country, by social group, by political ideas, by specific proposals – so they should not be imposed from the top, but be free to form from the bottom.

What are appropriate mechanisms for input by individual Internet users throughout the world into ICANN?

We’d rather express this question in the true form as it is generally interpreted: *“Is general public representation inside ICANN necessary and why?”*

General public representation is vital for ICANN to be legitimate to deal with issues that affect the usage of the Internet worldwide. ICANN’s decision can deeply affect market competition, e-business development, freedom of speech and personal rights all over the world. It is thus necessary that ICANN gets some kind of authority, that can only come by a direct massive influence of all individuals in the “virtual” community. Generic “input” is not sufficient: the decision making power should lie in the hands of the community.

It must be noted that the Supporting Organizations, anyhow organized, only cover a very tiny fraction of the Internet community, mainly composed by closed academic and governmental organizations, very technical entities, and private businesses who have direct economical interests that may conflict with the public interest. It is very hard to think that an organization controlled by this kind of stakeholders could advance any reasonable right to rule significant parts of the Internet.

So, if ICANN can ensure a fair and open representation of all Internet communities in the world in all their different components, it will be entitled to act as the global decision making place for all DNS-related issues. If not, it will just end up in being a private group of entities that try to establish a monopoly over the DNS management; it will be easy for governments to attack ICANN because it is too US-centric, or for new TLD proponents to attack ICANN because it limits the market competition without having any public authority to do so.

The original principle of parity – half of the board elected by individuals, and the other half by organization – was identified as a founding requirement for it to be representative of the Internet communities. Any decision that makes the number of At Large Directors lower than half of the board would become a clear and fundamental reason to claim ICANN’s illegitimacy to take any decision over the future of the Internet. All nine Directors should thus be elected by At Large members in year 2002.

How should the membership be structured?

Membership must be open and free to all Internet users. Any Internet user gains the right to affect its future independently from his/her economical possibilities, and even a very low membership fee could be a barrier especially for developing countries. There are sufficient revenues from the domain registration market to support the costs of an online membership, even with a million members or more; so a share of all domain registrations in the world should fund ICANN and ICANN's membership.

Anyway, there needs to be a way to structure the decision-making process *inside* the At Large membership; it is impossible to think that nine persons can represent the whole world, or even a single Region, without any intermediate level of discussion, organization and representation – also to deal with differences in language and culture. But this intermediate level should be accountable: not just a forum, but a system through which proposals and opinions could be democratically weighed and evaluated. Though the “rough consensus” method has been working well in the past, the social environment of the Internet is now much more varied and conflicting than before: so the fundamental element of any democracy, voting, should be introduced at the different levels. Thus regional At Large councils should be established, to broaden the opportunity for all communities, however defined, to get a voice in the process.

Another way of doing it could be for ICANN to support or promote existing national memberships. Some national ccTLDs (i.e. Canada) are already establishing democratical processes for their self regulation. It would be an unnecessary duplication to have another membership for the worldwide representation. On the other hand, this approach would enhance the risk of fostering national interests, and would require some level of minimum openness requirements for the national memberships that not all countries might meet.

Breaking the membership into smaller subsets is necessary also for the purpose of keeping active participation possible. A single forum with 100'000 members, clearly, will never work; everything will end up in noise, and it will never be possible to discuss day-to-day decisions in such environment, thus making opinions form and decisions happen elsewhere, far from the members. Moreover, there are questions that are relevant only on a local scale (i.e. local ccTLD issues); and providing local language participation would be necessary not to discriminate that vast majority of the world that does not speak English.

This is why the At Large Membership should be constituted by a set of different "communities", that in turn could eventually be formed by more sub-communities, and so on, with a level of depth that may vary over time and space to keep the system manageable, and that can be adjusted from the bottom, rather than from the top.

We are quite sure that many will come up with the proposal to divide the At Large community into smaller communities according to a given principle; there will be people proposing to create communities and choose representatives by country, others that would do it by occupation or business affiliation, or by delegating it to existing intermediate organizations. Each possible criterion has its advantages and disadvantages, and we could discuss for months about which one is the best.

An answer, in my opinion, comes from the Internet itself. The Internet has grown from the bottom as a network of independent networks. This approach has proven in the last years to be a winning one, and to be able to maintain a high level of freedom, flexibility, and suitability to very different needs while making the overall system work.

This is why the winning approach, IMHO, is to apply this "bottom-up network of networks" model also when structuring the Internet socially, and leave the choice of his affiliation to every single member. Any number of At Large members should be able to start an "At Large Community" (ALC) according to any principle they want: so you could have the German ALC, but also the Linux Users ALC, or the Rock Music Lovers ALC, or the People Who'd Like To Marry Esther Dyson ALC. You could have very small ALCs, i.e. just a handful of friends in the same town, but also very big ALCs, with thousands of members all over the world and an elaborate internal organization, maybe with further subdivisions and groups; some ALCs could try to act as parties, aggregating members around some principles and proposals, while some others could try to represent all parties in a specific country or environment and mediate their different opinions. Everyone would be able to choose the community whose principles he likes more, or even to start a new one, if he is not satisfied with any existing ALC. Each ALC should be free to self-organize itself, and to decide in turn how to manage itself and gather consensus among its members, and its internal rules in general.

This would create some sort of competition at a very distributed level between ALCs to gather the highest number of members, which could hugely raise the ability of the At Large Membership in its totality to grow, and would be a warranty for a level of democracy and personal freedom in the system that forced affiliation choices (i.e. national At Large chapters through which the regional At Large Council is elected) would not grant. On the other hand, members could get a very near and practical way to be involved in ICANN's matters, without getting lost in a generic forum with thousands of other members.

Then, each ALC should have a weight in the process of reaching consensus and gathering input for the Directors, related to its number of subscribers. In other words, each ALC would elect a number of representatives in the At Large Council, proportional to the number of its members, and with any system it likes. Also ICANN's organizational burden would be very small: it would just need to keep a registry of all existing ALCs, with no special requirements for any member to create a new entry inside it, and to let each member choose and change its community of affiliation via a Web form. And affiliations should not necessarily be public, to preserve one's privacy - something that could be more difficult if the only instrument a member had to express a position was to post a message in a forum, rather than to choose and support a community that shares his views.

The beauty of this model to me is that an exact, democratic and "glocal" way of discussing, measuring consensus and taking decisions is established, but no specific rules are imposed to the membership as a whole, leaving every member free to self-organize himself and to defend his ideas simply by aggregating with others who share it and thus gaining a weight in the Council.

Moreover, issues like how to create effective forums and discussions among the membership are on one hand simplified by subdividing the members in smaller groups, and on the other delegated to local distributed decisions, so that each community can find the instruments most suitable for itself to discuss, including the choice of the language(s) and media. Trying to define and adopt centrally a single approach to Web and e-mail communication with and among members is not only incredibly hard, but is certainly less democratic and effective than letting every group choose the way it likes.