

Workshop on Member States' experiences with ccTLD

Geneva, 3-4 March 2003

DOCUMENT FOR ccTLD WORKSHOP

Source: Vittorio Bertola, Chairman of ICANN's At Large Advisory Committee

Title: A user's point of view on international and national Internet governance

This is my personal comment (not representing the opinion of any entity or person other than myself) about the current state of international and national Internet governance and their relationships, seen from the point of view of a user of the system who has been active in a number of Internet governance forums at different levels.

The Internet has gone through very different stages in its growth, but it has now become a vital instrument in everyday life in all countries of the world. Whether it's for business, for social activities, for free speech and political discussion or for national security, the life and the wealthness of a nation depend more and more on its computer networks, and computer networks are now mainly relying on the worldwide TCP/IP environment.

This naturally creates an alliance between very different types of Internet users in each country – individuals, corporations, governments... – to keep the network effectively operational. But this also creates a national security problem in ensuring that its administration and functionality does not depend on foreign resources, and, more generally, an increasing need by national governments to be able to impose and enforce legislation on online activities – a need which conflicts with the intrinsic cross-border nature of the Internet.

This, in my opinion, is the main cause of a drive to enforce a concept that until a few years ago was unknown or even dismissed as dangerous to the network itself by its (then mainly technical) population: the concept of “national digital sovereignty”.

In this view, also the role of a ccTLD manager is dramatically changing. At the origins of the Internet, a ccTLD was just a two-letter string kindly delegated by an US entity to more or less whoever it liked. In the years of the “Internet bubble”, the biggest ccTLDs were put under pressure to keep the pace of the development of national Internet usage, and thus changed from amateurish free-time activities to dedicated and efficient professional organizations. But now, as politicians and governments get more and more interested in the Internet, ccTLDs often start to be considered as the natural coordination point for the technical administration of the national Internet activities, and to be requested not just technical and operational efficiency, but also “political” efficiency in acting as a widely supported policy making body involving all stakeholders (or less nicely, depending on the country's political attitudes, they are sometimes being required to become an appendix of the national government).

Contact: Vittorio Bertola

Email vb@bertola.eu.org

Attention: This is not a publication made available to the public, but an **internal ITU-T Document** intended only for use by the Member States of the ITU, by ITU-T Sector Members and Associates, and their respective staff and collaborators in their ITU related work. It shall not be made available to, and used by, any other persons or entities without the prior written consent of the ITU-T.

As a consequence, the ccTLD has become a corner stone of a country's authority over its vital telecommunications infrastructure, not just because of its practical importance, but because it is the symbol of the country's identity in the global Internet, and the rallying point for its active Internet community.

While this approach could theoretically pose threats to the unity and stability of the Internet, it must be reminded that intelligence at the edge and lack of centralized control were the winning choices that allowed the Internet to grow and overcome the competition by other packet networks, whether run by public monopolies or by private operators. In other words, greater diversity among ccTLDs means that DNS is allowed to better suit the national culture and needs, and thus to avoid the tensions that inevitably derive (and have derived) by a governance structure too rigid and centralized.

Under this light, it is clear that the present configuration and policies of the root level administration of the Internet are inadequate to the new situation. Until now, ICANN did not take this change into account; in many respects, it is behaving as if the Internet was still an US research project, owned by the US Department of Commerce, just with Dr. Cerf in place of Dr. Postel. Independently from what lawyers may say about the actual ownership structure of the Internet, this is not any more true or acceptable at the political level; and while this does not mean that ICANN is useless or illegitimate, it means that it has to change its attitude towards the rest of the Internet.

Due to the very nature of the Internet, its administration requires the awareness that diversity is its main value, that only policies on which there is general consensus can be widely adopted, that central regulation needs to be kept at the minimum; and this is not just a question of regulations or organizational structure, it is a question of mental attitudes.

So ICANN, while maintaining control over gTLDs, which by nature are cross-national, should become an organization with less binding power on ccTLDs, but more prestige, where all parties meet to discuss and come to recommendations on the best policies; and such prestige may only be obtained by more transparency, more impartiality, a more global approach, more attention for the interests of the worldwide Internet community, and by trying to facilitate consensus rather than to impose policies on which consensus has not been reached yet.

On the other hand, the initial idea about ICANN – that the Internet has to be ruled by a specific private entity in which all stakeholders are represented, rather than directly from governments – is still valid. Some have proposed that the management of the root server system is devolved to an international governmental organization. Now, while transformation of ICANN from an US corporation into an international organization is highly desirable and should happen as soon as possible, I think that centralizing too much power in the hands of the governments and of intergovernmental structures would again miss one important lesson we learned from the history of the Internet.

Often, government officials see the direct involvement of the Internet community in its administration, especially if with direct voting power, as a remainder of amateurish times. They say, *“we don't let car makers or car drivers vote on traffic regulations, so why we should let ISPs and Internet users vote on Internet regulation?”* But in this, they fail to realize that it's exactly this sort of short-circuit direct chain between the consumers, the industry, and the market which has allowed the Internet to expand at speeds previously unknown, and to create new activities, new opportunities, new jobs, and new economical wealthness with it, widely spread across the society. Computer networks deployed top-down by public monopolies were never successful or able to create diffuse wealthness and open communication; the unique characteristic of the Internet model, where consumers can instantly become producers of new content and new technology without having to go through a centralized regulator, though creating new and difficult problems in terms of

law enforcement and security control, has also been provenly creating invaluable new opportunities for mankind, from the very practical to the very high-level fields of socio-economical interaction.

While governments are the legitimate and only possible representatives of the general public interest of their country, and should be active in defending it, for their very nature they would not be able to properly represent the cross-national civil society that has shaped and has been shaped by the Internet, not simply made by extreme idealists as often depicted, but mostly by common people, businessmen, ICT workers and lots of different social groups who have been empowered with a global perspective and a freedom to communicate and innovate that they must not lose.

The new ICANN structure fails to give adequate power to this civil society, while potentially leaving broad ways for specific interests, especially the ones of American businesses, to capture it; this still needs to be corrected, and governments should ensure that this happens. But the new ICANN structure also designs innovative and practically feasible channels for direct input by the general public, described below, that deserve to be tried.

A purely intergovernmental governance of the Internet at a technical level risks to bring national conflicts on the net and thus to create further disagreement and to stop its evolution. Cancelling direct involvement of Internet users in its technical administration means cancelling the principle that has allowed it to be born and to be successful, and ultimately, cancelling the Internet itself as we know it.

The same principle applies to the national Internet governance level. But then, if the national Internet is not to be managed at the technical level by ICANN nor directly by the national government, who should manage it? This is where, I think, ccTLD managers have their role – but only if they accept that they have to act not like a commercial registry operator or a department of a state ministry, but like a direct emanation of their national Internet community. If they can gain support by their community in the same way as ICANN should gain their support – by transparency, impartiality, openness and by involving all stakeholders in the decision-making process – then they will win for themselves the role of main forum where all instances meet, where consensus forms on recommendations to the national government, and where technical regulations and implementations of the political principles are defined.

But for this to happen, it is mandatory that the ccTLD manager does not pursue any particular interest; and the better way to ensure this is that the ccTLD manager should be owned by the community itself, or at least its governing body should be elected by the community. Even if the definition of “community” varies much from country to country, many examples already prove that this idea actually works. Foundations or non-profit organizations should manage the national ccTLD, and should be owned by a wide and open membership, involving the industry and the consumers, that is consulted on significant decisions and elects the organization’s Board.

It is with this idea in mind that we initially imagined the representation mechanism that has now been incorporated in ICANN under the name of “Regional At Large Organizations”. They are supposed to be non-profit organizations, separate and independent from ICANN, that can be joined by those organizations representing Internet users or promoting issues related to the individual consumers of Internet services, and possibly by the very individuals who want to be active. We all know that it is hard for a non-professional user to find the time and the desire to participate actively in Internet policy-making; notwithstanding this, specific organizations and individuals who want to do so should have a way to do so, or even just to show their support for what others are doing. So the objective is not to have millions of voters in online elections, but to create a “glocal” network of active users and organizations which participate in policy discussions at the different levels, and that in the long term can form stable and recognizable coalitions to push in all appropriate venues for certain kinds of policies to be adopted globally and locally.

This is why there is a huge reciprocal benefit in developing the RALOs also by interaction with the existing ccTLD memberships and managers. In fact, the national ccTLD memberships should join the RALOs and also act as national coordination point for those instances of the users that have to be then forwarded at the international level. This would in turn ensure the creation of a strong international individual membership for the At Large participation in ICANN, which could, even with the limited power that the ICANN reform leaves to general public, act as a watchdog over the transparency and globality of ICANN; and individuals, rather than having to cope with multiple memberships for their ccTLD and for ICANN, would join the mechanism at the level that is nearer to them – the national one – to then reach the international one through it.

It is exactly this kind of cooperation, devolution and synergy that should be established between an international technical administration point and the national ones.

So please, while thanking you for going through this long and complex reasoning, let me conclude frankly. It doesn't really matter to me which organization is given the task to administer the Internet technically. What matters is that while all interests are legitimate and legitimately pursued, we should all agree that they should not get to the point of breaking this wonderful toy, as it would happen if the difficult balance among the three main stakeholder groups (industry, governments, and users) was finally disrupted.

As already said, even more than a question of organizations and bylaws, it is a question of mental attitudes and, consequently, of people and their interactions. The biggest failure of ICANN in my opinion is the attitude that it has shown towards the rest of the Internet community; this needs to change, and such change should come as a result of a deep renewal in ICANN. But this does not mean that the initial idea of involving directly all stakeholders is wrong – nor it means that ICANN should be replaced by a purely intergovernmental body and that ccTLD managers should be nationalized.

And the last lesson I would take from this – and it is a very positive lesson for our future – is that you cannot govern the Internet without its support.
