INTERNET GOVERNANCE: NEW PERSPECTIVES

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Inter-networking, or Internet, systems, protocols and standards is the outcome of a US public/private sponsored experimental project, gathering a cluster of innovate corporations, IBM,CISCO;MCI,etc, plus a group of leading Universities such as Stanford, University of Southern California, MIT, etc, getting public funding from DARPA, the research defense agency and NSF, National Science Foundation,. It was during the period 1969/1971 when Vinton Cerf y Robert Khan have developed and published the articles introducing TCP, transmission control protocol, and IP, internet protocol, opening a new Eve of cooperative network operation and services, as well as full connectivity between the players, based on the technology of packet switching.

Considering the early yearnings associated to the generation of Internet, notably to make possible seamless communications between the principal research centers working on advanced defense or energy related fields, it is remarkable the rather informal way followed by the founders and promoters of Internet to reach so ambitious goals. By means of a voluntary partnership of the main actors to cretae a quite modest entity, IANA, to manage the technical aspects of the project and placed in the USC, Marina del Rey, California, several entities began to emerge: IETF, internet engineering task force; ISOC, internet society¸ IAB, internet advisory Board, to set up the operation of the system.

Later on, thanks to a very prominent European contribution, Tim Berners Lee produced the worldwideweb, WWW, protocol, allowing to the exchange of data and archives in a almost unlimited manner. What is significant is those participants have worked from the outset in a fully open,bottom up, decision making method, every part proposing operational solutions or draft specifications to be discussed freely, oriented to optimize Internet parameters and technical functions:

- IP addresses which permit the identification of any network or device connected to Internet.

-Domain Names, the literary expression to better define an Internet user, making feasible the orderly management of IP numerical addresses.

-IP protocols concerning port access or transmission parameters.

-Root Servers system composed by 13 root machines to assure the stability and continuity of Internet.

As was asserted by Dr. Paul Twomey, President and CEO of ICANN before the US Senate Committee on Commerce, Science and Transport, last September 29th, " Internet requires a stable and secure system of unique identifiers if it is to serve its global community efficiently and reliably. During the past 35 years the Internet has met such needs through informal policy developments forums that have been collaborative, inclusive and impressively efective".

Currently, Internet is serving to more than 800 millions of users. Every day, the Internet articulated structure of IP addresses, Root Servers, Protocols and Domain names supports about 20 billion resolutions, equivalent to 6 times the number of phone calls in North America. There are 70 million of registered Domain Names and 400 million of allocated IP addresses, up to now using the version IPv4.

The impact of Internet on the business of communications is huge, transforming the conception and usage of advanced network and services: each new basic standard just developed along the last decade has been configurate to be compatible with TCP/IP protocols, UMTS, MPEG, DVB, ADSL, etc, deemed to be the common layer of the new all-IP heterogeneous, technology eclectic, communications architecture, able to convey a panoplia of services: voice, data, video, borne over any class of transmission network: fixed line, cable, mobile, satellite. A specific undertaking named ENUM, electronic numbering , pretends to design a renovated numbering scheme for telephony to offer VoIP, voice over IP, connecting packet switching or circuit switching lines.

We are in the preliminary stages of Internet Mobile, eventually extending Internet usage to 1.500 million of mobile terminals, so operating as de facto universal service. In spite of the reserves some times voiced by the traditional telecom operators Internet is the best thing occurred to PSTN activity along the last decades, since the traffic associated to Internet access or to Internet Broadband IP connections, ADSL type, constitutes the most dynamic portion of the basket services. That new market segment permits to compensate the lost of normal voice service just captured by mobile operators, which constitutes a process fully apart of the deployment of Internet.

But not many people , namely non american parts, have realized the relevance of the Internet along the 80s, even during the firsthalf of 90s. Before Internet becoming a massive market, IANA, headed by John Postel, established a number of private arrangements or contratcs to disseminate the allocation and operation of IP addresses or the assignment of top level domain names, either generic or national country code, in a manner consistent with Internet architecture hierachy, passing smoothly from a university/public entities/full american system to a commercial/private/worldwide scheme.

That was made in such a way that after 1996 the number of users outside US was similar or superior to the American figures, thus justifying the necessary internatio nalitation of Internet. As a consequence of this evolution US Congress authorized the commercial usage of Internet introducing some safeguards to preserve the role of IANA in charge of coordinating internet technical functions. At the same period three out of 13 root servers were placed beyond US borders, UK,Sweden,Japan.

After several informal and transparent initiatives to adapt Internet to the demands of million of users, globally distributed, the US Administration through the Department of Commerce launched diverse proposals which were discussed with those regions more engaged on Internet, Europe and Asia, having the European Union an outsatnding role conducting the informal negociations leading to the publication of a White Paper by DoC, endorsing the need for a more international profile of Internet, to introduce due competition in relation to DNS Registries and Registrars, or to establish proper linkages between internet coordination and the administrators of national country codes. Above all, it must be noted that WH accepted the criteria, more inspired by European partners to consider Internet resources as having a public service quality, based on the factual uniqueness of addresses, protocols and domain names.

Finally, a non profit entity was set up to develop the major part of IANA activities, managed by a multinational Board. The principles of ICANN were defined as

1.- Stability and continuity of Internet.

2.- Competition and consumer choice.

3.- Based on private sector action and bottom up decisions.

4.- Fair representation, both functional and geographic.

Through a consensual process among Internet stakeholders and involving US DoC a set of key ICANN functions were listed as initial priorities:

1.- Coordination of assignement of technical parameters and protocols.

2.- Coordination of IP Address Space(jointly with Regional Registries).

3.- Coordination fof Internet Domain Names.

4.- Development of policies for new TLDs Domain names.

5.- Oversight of Internet DNS Root Server system.

ICANN, Internet Corporation for Assigned Names and Numbers, although incorporated in California, is committed to act in conformity with the principles of international law, the national law and the applicable law, fully respecting the sovereignty of the States. It must be noted this condition as an expression of the "public aspect" profile of the key Internet resources.

Other significant quality of ICANN comes from the constitution of a special body, the GAC, Governmental Advisory Committee, at the present composed by representatives of nations, having today 90 members corresponding to almost 100% of the world population, apart some prestigious international organizations, WIPO, ITU, OECD, ETSI, European Commission.

Presently, the Secretariat of the GAC is assured by the European Cpmmission services.

The GAC creation means a reinforcement of the principle of the public/private partner ship, although GAC resolutions are not mandatory, ICANN Board follows and retains the recommendations issued by GAC, particularly regarding national ccodes delegation, the preservation of public interests or the introduction of international Domain Names written in other languages different than English.

Once setting up in November 1998 the ICANN Board, and being establishing the Supporting Organizations, SOs, on Procolos, DNS and IP addresses, the decision making process followed always the bottom up approach, any decision of the Board to be adopted only after a complete consultation and open discussion period with the agreement of the affected SO amid a pristine transparency. ICANN has accomplished several main actions for the benefit of Internet community:

. To establish and apply the Uniform Dispute Resolution Policy to solve the conflicts between trademark holders and DNS owners, in collaboration with WIPO, giving way to more than 5.000 solved cases by means osf special pannel,70% sponsored by WIPO.

.To introduce fair competition open to other operators some of the TLDs Registry, the separation of registries and registrars role with the dramatic fall of the market share of the traditional dominant entity.

. The adoption of seven new TLDs in 2000 and the present consideration of ten new applications for sponsored TLDs.

. The approval of the guidelines on international domain names, to open the way for DNS registration in more than 100 languages.

What is not ICANN? It is not a regulatory entity, to fix legal binding regulations or market access rules or competition criteria. The only role is to coordinate the Internet technical functions through a consensual, open bottom up process. The only power of ICANN emanates from the decisions adopted following the proper procedure taking into account the private contracts and agreements signed with the different Internet stakeholders.

The debate held nowadays under the umbrella of ITU World Summit on Information Society refers to "Internet governance" in a broader meaning that ICANN role. The WSIS was developed in Geneva giving particular importance to analyze the conditions of the Internet Governance but putting emphasis on

Network Security

Cybercrime

Spam

Multilingualis

Internet resources

very much beyond the scope of ICANN activities. Therefore, it is important, such as the WSIS is committed to make, to reach a consensual and clear definition of Internet Governance to prevent unnecesary and futile conflicts. Otherwise, in accordance with the WSIS coordinator for IG and the adhoc working group to be establish(the WGIG), there is a broad common understanding upon the convenience to incorporate to the definition of the scope and roles of Internet Governance, apart the official public administrations, those civil or economic or technical sectors that must be considered a significant part of Internet, which is fully compatible with the profile of ICANN.

It seems there are two groups of opinion reflected during a meeting in Geneva last September to prepare the composition of the WGIG:

a) to present a good working of Internet so far, marking the primacy of the private sector.

b) to look after a major role for the governments, placing the legitimacy in the UN but literally asserting that " this would not replace any existing mechanism, nor infringe on the work of any existing organization, but would be complemmentary and deal with policy issues".

Other recent developments appear to confirm the possibility of a consensus to focus the attention of intergovernmental insitutions like United Nations on the policy issues of Internet, namely those entailing a formal regulatory work but preserving the satisfactory development of the coordination of technical parameters laying down as a priority the need to assure the stability and continuity of Internet.

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