As ICANN 54 Ends, More Uncertainty over the Future of the Internet

The 54th meeting of the Internet Corporation for Assigned Names and Numbers (ICANN), the global body that oversees the technical and functional workings of the internet, drew to a close last month in Dublin. At the heart of the meeting were discussions about the purpose of ICANN: would the internet fracture if ICANN as we know it ceased to exist, and can the organisation function independently of the U.S. oversight it has had until now? LSE alumnus Ayden Férdeline, who participated in the meeting as part of the NextGen@ICANN programme, shares his observations.

Ira Magaziner, who was chief policy advisor to former U.S. President Bill Clinton, opened the 54th meeting of ICANN with a grim message: Washington today is "as partisan and as divisive" as it was in the weeks leading up to the impeachment of Clinton. Managing internet politics in this environment, he said, was not an enviable job. This was a troubling message given that the core question for ICANN 54 was how to ensure that ICANN can independently exercise stewardship of the internet's domain name system at the same time as remaining accountable to the global internet community. By the end of the meeting, it was clear that the answer to this question – which ultimately necessitates a fundamental re-evaluation of the basic principles that underpin internet governance – remained only partially solved.

ICANN – an international not-for-profit headquartered in Los Angeles – is responsible for assigning the numbers that comprise Internet Protocol (IP) addresses together with the -.com, -.net, and -.org labels that coincide with these numbers. It also has responsibility for ensuring that users arrive at the same online destination, regardless of the country they are located in or the internet service provider they use. Since 1998, ICANN has assumed these responsibilities under the watchful eye of the U.S. Department of Commerce. There have long been calls for the United States to relinquish this role, and in 2014, the U.S. indicated that it would be prepared to do so as long as ICANN does not become a puppet of any inter-governmental or government-led body.

Governance: Moving on from U.S. Oversight

Perhaps inevitably, the issue of transition dominated every conversation held at ICANN 54. Responsibility for drafting a proposal to manage the technical transition process as the Internet Assigned Numbers Authority (IANA) functions move away from U.S. oversight to global stakeholders fell to the IANA Stewardship Transition Coordination Group (ICG), which represents internet stakeholder groups. Patrik Fältström, vice chair of the group, explained that 157 respondents to an open consultation process had provided comments on what the guiding principles for the technical transition should be. The respondents, he said, broadly supported the proposed framework for governing the post-transition internet, but there was confusion as to how parts of the plan would be put into practice. Alissa Cooper, chair of the IANA ICG, stressed the importance of getting the protocol parameters for the transition right, because "we only get one chance" at there being a single, unfractured internet.

ICANN's purpose: more than just a technical body?

At such an important juncture for the organisation, it is not surprising that the transition process gives rise to questions about ICANN's fundamental purpose. ICANN has long positioned itself as a technical body that exists to preserve the stability of the internet through global technical standards applied even-handedly to everyone, avoiding questions of online content regulation. If ICANN were to pass judgment over what kind of content could travel through the network, there are fears that the internet could become fractured by national regulation. And yet there is

increasing pressure on it from civil society groups to incorporate human rights commitments into its articles of incorporation. Any such changes would represent a fundamental shift in how the organisation was originally envisaged, and would reflect a strength of feeling among stakeholders that ICANN should be more active in this arena.

Keeping ICANN Accountable

Although there is widespread agreement among stakeholders that the internet must be a safe place for users to conduct business and to exchange ideas, it has been difficult to reach a similar consensus about how ICANN's own governance and accountability should be measured. As a result, a working group was established in 2014 to enhance ICANN's accountability. At ICANN 54, the group's co-chair, León Sanchez, announced a 10-point plan that seeks to preserve ICANN's existing consensus-based decision-making model whilst allowing the organisation to retain absolute authority over the world's communications protocols.

At the heart of the proposal is a shift to a 'sole delegator' model that imposes procedural restrictions on ICANN staff and empowers the global internet community with meaningful sanctions intended to provide a check on power. The proposal will open for public comment on 15 November 2015, with revised recommendations scheduled to be submitted to the Board in January 2016.

Domain Name Imperialism?

The meeting also included discussions of issues around the new generic top-level domains (gTLD) programme, which was developed to increase choice in the domain name marketplace. (New gTLDs include -.app, -.bank, and -.paris, which join existing gTLDs like -.com). As the internet enters a new phase in its development, this programme will have an increasingly important role to play in how online geo-political power is distributed, and so discussions in this area are important. The Non-Commercial Users Constituency (NCUC), which provides civil society with a voice in ICANN's activities, reflected at the meeting on the successes and challenges brought about by the first round of the new programme. The original ICANN by-laws called for the development of a competitive, market-based system for the registration of domain names, but as the new gTLD programme expands, the NCUC says that clearer guidelines must be implemented to ensure that no generic names are restricted from public sale under the guise of protecting intellectual property rights.

One speaker at the meeting reflected on why decisions in this area matter. Marília Maciel, who represents the NCUC on ICANN's Generic Names Supporting Organisation, noted that registries and registrars are heavily concentrated in developed countries. Maciel said it was problematic that "Latin Americans, Asians, and Africans are consumers of domain names, not the exporters" because these businesses are capable of creating jobs and market opportunities. She asked what could be done to ensure those from developing regions have access to this market so they can also export domain names. The NCUC will review the last round of gTLD sales and look at what support mechanisms can be offered to ensure that the conditions of the gTLD programme increase competition equitably across the globe.

Were any decisions made?

It's easy to become cynical about the effectiveness of ICANN. With countless cross-community working groups, the idea of consensus-based decision-making sounds unfeasible, and to the casual observer it can sound like every working group is discussing the same issue. However, conversations at ICANN meetings can, and do, have a real impact.

As ICANN parts ways with the U.S. government, it must be careful not to grow into an ineffective global body which answers to no one. If it does, it would be a betrayal to the founders of the internet, who created a universal system which offers limitless potential to users. Some governments have suggested they would prefer closed, national internets, but any such

Balkanization of the internet would result in devastating economic and cultural consequences. ICANN's determination to be the place where decisions which affect the future of the internet are agreed consensually is to be supported, but such a laudable objective does not trump concerns that ICANN's own accountability remains a work in progress.

This blog gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.

November 10th, 2015 | Featured, Internet Governance | 0 Comments