

## The Internet Bodies that Are Most Important to Media Freedom and Internet Regulation

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This presentation is dedicated to my best friend and colleague, Ken Arseneau, who passed away from leukemia on June 11, 2005.

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- Which bodies are important to media freedom and Internet regulation?
- Several, especially those top-tier bodies identified in "A Concise Guide to the Major Internet Bodies".
- Reason: they create the technical standards that allow the Internet to work, and to continue to improve by working better, with more desirable services. And the Internet is a strong mechanism for increasing freedom.
- Evidence: some attribute the recent presidential victory of Viktor Yushchenko in the Ukraine's Orange Revolution at least in part to the Internet's ability to spread news and to allow activists to coordinate; this is certainly not the first such example, nor will it be the last.
- Which of the major bodies is most important to media freedom and Internet regulation, and why?
- ICANN, and its IANA.
- General Reasons: ICANN is a technical coordinating and regulatory body that performs a number of functions. Two such functions are the coordination and regulation of the DNS namespace and IP address space. These functions are essential to the continued operation of the Internet, and the Internet has become a vital component of the modern world's infrastructure.
- Data Communications 101a:
  - o -data communications is the process of moving information (e.g. email, Web pages, images, sounds, video) from one computer to another
  - o -it is a complicated task
  - o -information is split into packets and sent via the Internet from the source computer to the destination computer via multiple paths
  - o -the computers that act as "traffic cops" along those multiple paths are called routers
  - o -routers forward packets using IP addresses, also called IP numbers
  - o -to operate on the Internet, a computer must generally have a unique IP address to allow it to be uniquely identified in the world

- o -most ordinary people receive their IP number from their Internet service provider.
- Specific Reason #1: ICANN, via its subsidiary organization IANA, oversees IP address allocation. While it delegates most of this task to a worldwide system of registries and registrars, it remains responsible for the task.
- Data Communications 101b:
  - o -people do not want to remember numbers
  - o -people want user-friendly identifiers (e.g. www.cnn.com), not 64.236.24.4
  - o -but routers work only with IP numbers
  - o -how to bridge the gap between humans and computers?
  - o -the DNS system (Domain Name System) which performs a number of valuable services, in particular:
    - o IP address = DNS(domain name) - i.e. the human types in www.cnn.com, and the DNS system tells the computer the equivalent IP address, which the computer can now use to communicate with the CNN computer
    - o -the DNS system is implemented using a worldwide set of computers called DNS servers
    - o -DNS servers are transparently used by people using computers on the Internet all the time
    - o -the DNS system require information called the root zone file to perform its functions
    - o -ICANN, via IANA, defines the root zone file
    - o -to operate on the Internet, a computer must generally use the DNS system
    - o -to lease a domain name, a person or organization must have the approval of a body that is ultimately responsible to ICANN.
- Specific Reason #2: ICANN, via its IANA, manages the DNS system.
- Where did ICANN receive this authority? From a contract with the U.S. Department of Commerce. The U.S. government has allocated IP addresses and managed the DNS since the beginning of the Internet.
- Implications for media and freedom:
  - o -freedom: do dissidents in dictatorships have difficulty obtaining Internet access?
  - o -freedom: do dissidents have difficulty getting IP addresses?
  - o -freedom: do dissidents have difficulty leasing domain names?
    - e.g. the names www.FreedomForChina.cn and www.FreeTibet.cn are not registered - IANA informs us that their approved .cn (China) registrar is the Chinese Academy of Sciences Computer Network Center; that registrar inform us in their "Internet Keyword Registration Measure" of
      - o "Article 5  
Any of the following contents shall not be included in any Internet Keyword registered and used by any organization or individual:
        - o Those that are against the basic principles prescribed in the Constitution;
        - o Those jeopardize national security, leak state secrets, intend to overturn the government, or disrupt of state integrity;

- o Those harm national honor and national interests;
- o Those instigate hostility or discrimination between different nationalities, or disrupt the national solidarity;
- o Those violate the state religion policies or propagate cult and feudal superstition;
- o Those spread rumors, disturb public order or disrupt social stability;
- o Those spread pornography, obscenity, gambling, violence, homicide, terror or instigate crimes;
- o Those insult, libel against others and infringe other people's legal rights and interests; or
- o Other contents prohibited in laws, rules and administrative regulations."
- Reporters Without Borders ([www.rsf.org](http://www.rsf.org)) regularly reports on dissidents and journalists that are suffering at the hands of dictatorships in countries such as Cuba, Vietnam, Tunisia, etc. - some of these cases involve the use of the Internet
- Does ICANN insist that country-code registrars adopt policies that enhance freedom and fairness? And if not, why not?
- o -commerce: there is a great deal of money to be made in intellectual property; domain names are intellectual property; the DNS system organizes domain names in a hierarchical manner; each top-level domain name has a registrar; ICANN appoints the registrars; the registrar for a domain can collect a certain sum per year per domain name; VeriSign Inc operates the .com and .net registries; VeriSign's Naming & Directory Services business ended the first quarter of 2005 with over 41 million active domain names in the .com and .net registries
- o How effective is ICANN's registrar selection process? How closely does it monitor registrar performance to protect the public?
- o -public interest: the mechanism for including input from ordinary Internet users into ICANN is very cumbersome (i.e. users must organize into "structures", organized into continental "regions" which provide 10 members to form the At-Large Advisory Committee which is one of several groups to provide advice to the ICANN board); ALAC is not guaranteed a seat on ICANN's Board.
- o How well are ordinary citizens really represented in ICANN?
- o -public interest: the intellectual property community are represented in the Generic Names Supporting Organization which has two seats on the ICANN Board.
- o Are corporate interests better represented in ICANN than the general public?
- o -ICANN governance: ICANN's receives its authorization to perform the IP allocation and DNS management functions from the U.S. government, yet ICANN states in its most recent version of its Strategic Plan (2004-2005 to 2006-2007) that "If implemented over the next three years, this Plan will enable ICANN and its structures to serve a global Internet community in fulfilling ICANN's Mission, and to complete the initiating MOU process, by establishing an effective, international, inclusive, stand-alone ICANN."
- o Given the fact that its functions are necessary to the Internet, is a stand-alone ICANN possible, and if so, desirable?

- o If it becomes an independent entity, from where will its legal jurisdiction derive?
- o Who will guarantee that a stand-alone ICANN is open, transparent, representative, accountable, etc?
- o Are the practical, global consequences of an improperly-functioning stand-alone ICANN tolerable?
- o Is a stand-alone ICANN more likely to stand up to dictatorships?

It is the author's hope that this presentation shows that ICANN is an important Internet body relating to freedom generally, media freedom specifically and Internet regulation. And that a number of questions have been posed that will provide the media with rich ground to explore.

# The Major Internet Bodies

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