

Will the Internet Fracture? ICANN and the Future of the Political Economy of the Net

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The Internet can be a scary place. It is full of information on all sorts of topics, both conventional and taboo. The Internet was designed to allow for free access to this information, but as access to the Internet grew, so did the desire to make money off of the Internet. As the Internet economy has grown, governments have wanted to regulate it. The United States government has used their control of Internet protocol tools to dictate the access and the content availability of the Internet. Other countries have resented the US hegemony of the Internet. Does the United States control the Internet? If the United States does control the Internet, are they hurting the economies of other nations with their control?

In order to understand the control of the Internet, I analyzed the evolution of the corporate entity that controls the Internet, the technology behind that control, the law that governs the Internet, and the political economy of it. I also looked at the case study of Yahoo, and how it has changed the law and political economy of the Internet. In order to understand the political economy of the Internet and how it is controlled, it helps to understand how the Internet was created and how it operates.

The Internet was created by the US Department of Defense. It was designed in the 1960s in order to facilitate communications around the world during the Cold War by the different branches of the Defense Department. After it was opened to the public it became an open field for cultural exchange, or as Zoë Baird and Stefaan Verhulst said in *Internet Governance: a Grand Collaboration*, "From its inception, the network thrived on a culture of openness and of collaboration between industry, civil society and users. Deregulation and privatization emerged as dominant tropes; the attendant notion of 'self-regulation' was supposed to offer a more flexible and adaptable form of control." (Baird et. al, 60)

It was organized around a concept called the root. What is the root? The root is the hierarchical form that controls the internet.

The root is the point of centralization in the Internet's otherwise thoroughly decentralized architecture. The root stands at the top of the hierarchical distribution of responsibility that makes the Internet work. It is the beginning point in a long change of contracts and cooperation governing how Internet service providers and end users acquire and utilize addresses and names that make it possible for data packets to find their destinations. (Mueller, 6)

There are 13 root servers, of which ten are controlled by entities within the United States, and the other three are located in Stockholm, Amsterdam and Tokyo. The United States control the root through a semi-private corporation called ICANN. ICANN stands for the Internet Corporation for Assigned Names and Numbers. ICANN was created by the US Department of Commerce. It was made as a semi-private organization because the US government did not want to give up complete control of the Internet.

The United States deregulated their service in 1998 by permitting competition among registrars. Private companies compete as registrars, relying on a common database to ensure that the requested name is available...The United States transferred the coordinating function of the Internet to a private and non-public organization, the Internet Corporation for Assigned Names and Numbers (ICANN) that started real operations 2000. ICANN is responsible for managing the Domain Name System, the allocation of Internet Protocol addresses, the coordination of new IP parameters, and the root name server system.  
(Kogut, 36)

ICANN controls IP addresses. IP stands for Internet protocol, and IP addresses are the sequential numbers which identify where in the world a computer is accessing a site, where the site is located and which company requested the site. Internet Protocol addresses are temporary addresses. They control the rules of privacy and security when it comes to transmitting data on the internet.

A computer, or any Internet device, need not be assigned a permanent IP address. When it is turned "on" and "connected" to the Internet, it is assigned a temporary IP address that is returned to the system when the device is no longer logged on.  
(Kogut, 14)

The internet was thought of as an ethereal space, with no parameters and no governmental controls. Unfortunately without government controls, corporations were able to carve out their own niches in the Internet. The temporary nature of IP addresses created a need for instruments to hold onto bits of information so that a computer would not slow down every time it accessed information. The instruments, called "cookies" left behind bits of information in the computer so that when the computer accesses the same page again, it does not slow down. Cookies are also used to monitor Internet activities and in some cases, to steal information from computers. Proposals have been made to make IP addresses permanent, so that cookies will no longer be a necessary component for accessing the Internet.

Since the Internet was released as an entity that was free of government regulation, corporations have taken up the mantra of regulating it. At first their idea was that there would be no regulation. Free and open access to information made the Internet an arena that was ripe for commerce, and for exploitation. Organizing the information came second to accessing it. Information overload became an understandable byproduct of the new technology. The Internet was supposed to break down borders and bring about a free exchange of ideas.

Geography turns out to be one of the most important ways to organize information on this medium that was supposed to destroy geography. Most people have preferences that cluster according to where they live. In addition to language, borders mark off differences in culture, currency climate, consumer norms and much more. People in Japan are interested in Tokyo's weather and the value of the yen in Japanese, not the weather in New York or the price of American movie tickets in English. (Goldsmith et. al. 42)

The difference in geography is part of the problem. The United States has controlled the ICANN root system, and in turn the naming system; since the conception of the Internet. It also controls which areas and which sites receive which domain names under the heading called the *DNS name space*. There are three levels in the hierarchical structure of domain names (DNS). Dot-com and dot-edu are examples of the top-level domain structures, while second-level and third-level domain structures exist as well. Second-level domain structures are for example the "fiu" in the www.fiu.edu, while the third-level domain structure would be the "www" part of the web address.

The DNS name space provides a virtually inexhaustible supply of unique addresses. A domain name label (the string of text identifying a specific level of the hierarchy) can be up to 63 characters long. With 37 different characters available to use, the number of possible names is close to  $37^{63}$ -- an inconceivably large number. Multiply that number times the 127 levels of hierarchy possible under DNS and the vastness of the name space is evident. (Mueller, 42)

The ICANN Corporation affiliated with the US Department of Commerce controls all that name space. As the Internet has grown in popularity, the desire for more popular names has grown. Countries have wondered why it is that they received suffixes on their name space such as ".uk."

Until 1998, the Internet was overseen almost exclusively by one man: Jon Postel, a computer science professor at the University of Southern California...Postel made seemingly technical decisions such as who should get to operate a country-code domain. Although it may seem odd that national address suffixes (such as ".uk," for the United Kingdom) were allocated to private individuals rather than government bodies, such was the case. (Cukier)

Professor Postel may have controlled the Internet, but he did not issue the domain names himself. Instead the responsibility of naming domains was turned over to Network Solutions Inc. while an entity known as the Internet Assigned Numbers Authority (IANA) maintained the illusion of control over the naming system.

By the end of 1995 the dramatic increase in demand for domain names helped to fuel three major controversies about the established social order. The first area of contention centered around Network Solutions Inc.'s *first come first served* registration policy and its approach to the resolution of domain name disputes. The second realm of debate focused on Network Solutions Inc's introduction of fees for the registering of names. The third set of disputes was largely limited to members of the Internet technical community and representatives of the United States government. It focused on the attempt by Jon Postel to have IANA chartered by the Internet Society (ISOC). (Pare, 128-129)

The IANA charter was controversial because Professor Postel wanted to expand the top-level domains with 150 new suffixes. The desire to charge for domain names was difficult for the Internet community to agree to because it turned Network Solutions Inc. from an administrative body to a monopolistic corporation. Prior to the introduction of fees, registering a domain name was free.

ICANN was created after the Internet grew so large one person could no longer control it. It grew out of several different working papers and institutions. After Professor Postel tried to set up the IANA charter, the British government did not agree to the new program. They liked the independence they had, and wanted to retain their autonomy. They had a memorandum of understanding when it came to the generic top-level domains, between the United States and the international community. The memorandum of understanding (MoU) was based more on the U.K. domain name registration system rather than on the

U.S. system. It was called the Generic Top Level Domain Memorandum of Understanding (gTLD-MoU).

The structure of the system had four parts, which included:

- (i) proposed the establishment of a more stable approach to the management and administration of domain names than had existed previously;
  - (ii) seemed to limit the amount of U.S.-based influence over Internet addressing by having the domain name system coordinated by a consortium of registrars operating as a Switzerland-based nonprofit corporation;
  - (iii) introduced only limited number of top-level domains and (iv) proposed a means of protecting trademarks in the cyber-realm.
- (Pare, 132)

The gTLD-MoU was not kept together; instead it became another part of the discussion which became ICANN. The gTLD-MoU was created with the idea that the United States would not control the Internet, but the US government had different ideas about it. The US government suggested different parameters, coming up against the World Intellectual Property Organization (WIPO). The WIPO wanted an organization that would force the domain name system to respect the trademark system and would resolve the cyber piracy issues that had arisen since the Internet had gone public.

ICANN's naming policy has remained controversial, as has the fact that it is under control of the United States. When ICANN was created, the idea of it being an international institution, under the auspices of the United Nations was presented to the United States government. The Clinton Administration rejected the plan because it would take away control from the United States. The Internet was created as a tool for the US government and the United States did not want to give up its control of the medium. The United States controlled the Internet governance and was not going to give it up. Unfortunately ICANN has not been used its power fairly, and has favored the United States governments and corporations based in the United States. The international community has desired a more equal program of Internet governance. Since 1999, they have tried to bring the world together in conferences to work out the differences between the developed and developing world, to bridge the gap in Internet governance. Protecting trademarks was an issue the world Internet community had been trying to resolve since the Internet became a public entity.

After the conclusion of the WIPO process, ICANN leveraged its centralized, exclusive control of the domain name root to implement a trademark dispute resolution regime. It defined a Uniform Dispute Resolution Policy

(UDRP) and bound all registrars of domain names under .com, .net, and .org to it as a condition of accreditation. Through their contracts with registrars, all registrants of domain names under the generic TLDs [top-level domains] are contractually bound to submit to arbitration under the UDRP. (Mueller, 192)

ICANN has also created governance issues along with resolving them. When ICANN was created it was set up along with different forums to hear intellectual property disputes (UDRP). The first three accredited service providers were the World Intellectual Property Organization's Arbitration and Mediation Center, which is in Switzerland, the National Arbitration Forum of the USA, and the eResolution consortium in Canada.

In June 2000, ICANN accredited another U.S.-based company, the CPR Institute for Dispute Resolution. This was followed, in December 2001, with the accreditation of the Asian Domain Name Dispute Resolution Center (ADNDRC). Rather than fostering competition, however, the right of complainants to choose their arbitration provider has helped to perpetuate a phenomenon known as forum shopping. That is, the policy facilitates the ability of complainants to select service providers that tend to decide most frequently in their favor. (Pare 145-146)

Countries are upset because the Internet has grown and their share of it has grown but the governance of it, either under nation-state control, or international control has not grown to regulate the burgeoning information economy. What ICANN does, and what it is not mandated to do, are misconceptions that many states have which have created problems between ICANN and the international community. The Chief Executive of ICANN said in 2003 that there were many complaints.

Some want a body that also regulates spam and actual digital content, things beyond ICANN's authority. Even on domain names, he said, some were frustrated that ICANN could not legally reclaim ".com" names that for geographic or cultural reasons countries considered theirs. (Jesdanun)

What is Internet governance? Does it have a set definition? Over the last ten years it has gone from cyber anarchy, to Laurence Lessig's idea that,

In real space we recognize how laws *regulate-through* constitutions, statutes and other legal codes. In cyberspace we must understand how code *regulates-how* the software and hardware, that makes cyberspace what it is, regulate cyberspace as it is.” (qtd in Kleinwachter, 33)

Currently governments are upset that they do not have the control over the system that they have with other information mediums. Since the creation of ICANN in 1998, the developing world has called for the removal of ICANN from the United States and a more equal sharing of Internet control. The *United Nations Information and Communication Technologies Task Force* (ICT TF) was created to aid in the transition from an Internet system dominated by the United States to a more international system.

The ICT TF was created to develop the Internet for both public and private use and bridge the digital divide. The digital divide is the idea that the developed world has more access to the Internet; therefore, they are economically stronger than the developing world. That idea seems to be true according to Emil T. Bailey Jr. in *Come Together? Debunking the Myth of the Internet and the Global Village*.

According to a study on the world's Internet population by CommerceNet, in January 2000, there was a total of 242 million people connected to the Internet. The vast majority of these people, 120 million, were in the United States and Canada, and of that number, more than 83.3 million were in the United States (as of April 1999). Projections for further growth suggested that by 2002 the world's Internet population would have grown to at least 490 million, with 165 million of that number being in the United States. In second place for the January 2000 figures was Europe, with 70 million users... In Asia there are 40 million people online, in Latin America 8 million, and in Africa 2.1 million. (Bailey Jr., 26)

The digital divide is a concept that the United States has exploited since the founding of the Internet. The Internet was a tool for national security, and the United States has maintained its control over its mechanisms. As the Internet has blossomed from a network of computer science majors posting on bulletin boards to a multi-million dollar industry, other nations want to regulate both access to it, and the content of the information their populations can receive.

No nation wants Internet governance to impede on their national sovereignty and yet the other nations of the world are not happy with the way ICANN has controlled the Internet since 1998. The *World*

*Summit on the Information Society* (WSIS) was created in order to make Internet governance transparent, democratic and yet still respectful to the rights of each nation. This is a hard task, since some countries desire more control of the Internet, and others want less of big brother looking over their shoulder.

Prior to 2000, there was no way for the Internet to be tracked. The design of the servers, ISP numbers and domain names made it impossible for a person's location to be pinned down. This was a threat to the nations with authoritarian governments, so for a long time they did not allow their people to access the Internet. In 2000, there was a court ruling against Yahoo which changed the way the world would view the Internet, and would turn the Internet from an open society into a system which threatened to fracture into several Internets.

Yahoo was the company where the fracturing of the net began to occur. In 2000, Yahoo decided to hold an auction with Nazi memorabilia. It was not the first auction of this kind held on Yahoo, but it was a significant auction. France, which has laws against the sale of Nazi memorabilia, demanded that Yahoo remove the ability for French citizens to access the auction. Yahoo decided to fight the court order, claiming that a US company operating from the United States was not under the jurisdiction of a French court. Yahoo also claimed it did not have the technological ability to limit access to an auction in just one country.

A United States court agreed with Yahoo, claiming that because Yahoo was a US company, a French court could not sue them, since they were not violating the sovereignty of the United States. The First Amendment of the US Constitution protected the right of the seller to sell the Nazi memorabilia and the right of the buyer to buy it. U.S. District Court Judge Jeremy Fogel declared that, "it is preferable to permit the non-violent expression of offensive viewpoints rather than impose viewpoint-based governmental regulations upon free speech." (qtd. In Ostrom)

Yahoo celebrated that ruling, but the French courts did not stop trying to hold Yahoo accountable for the auctions they regulate. The original ruling was celebrated as a triumph of international law because, "...if France could govern Yahoo in America, every other nation could as well." (Goldsmith et. al. 43)

Yahoo would have enjoyed their victory in the United States court system if not for a man named Cyril Hourri. Mr. Hourri was a Frenchman working for a technology company in New York City. When he was visiting, his parents in France figured out that people would pay a lot of money to have the

advertisements above websites correspond to the locations where the users were, and not to where the websites were produced.

There would be big money, he thought, in a technology that prevented people outside America's borders from seeing the American ad, and that substituted a French ad for a French audience and a German ad for a German one. The same technology would allow news and entertainment sites to segment their content according to the whereabouts of their audiences. All it would take was a program to pinpoint the physical location of the users. So, Hourri founded a dot-com, Infosplit, devoted to doing just that. (Goldsmith et. al, 43)

After Mr. Hourri created his technology, he contacted the prosecutor in France and told her that he had the ability to modify Yahoo so that the French people could not view the Nazi memorabilia auction. This was imperative because a judge in a French court had ruled against Yahoo.

The Paris court, ruling in a case brought by the Union of Jewish Students and the International League Against Racism and Anti-Semitism, has given Yahoo until July 24 [2000] to find a way to keep the auctions of Nazi memorabilia out of France, where such auctions are illegal. The auctions have already been removed from Yahoo France, the French subsidiary of the U.S.-based Web portal, but Yahoo has claimed that keeping certain auctions from its U.S. site out of a specific country is not as easy as it sounds. (Internet World)

When the ruling was made, the Internet experts claimed that Yahoo could not make the change and regulate this system. The other argument made by Yahoo was that the company was running the auction inside of the United States, and therefore was not subject to the laws of France. Mr. Hourri made it clear to the plaintiff's lawyers that he had the technology, which could be modified from being a marketing tool to a tool that could censor websites from web portals, which countries did not want, their citizens to read. He showed them his software and discovered a problem with Yahoo's argument because the servers were housed in the United States.

Yahoo's servers, which the firm had claimed were protected by the First Amendment to the U.S. Constitution, were actually located on a website

in Stockholm. Yahoo had placed a constantly updated “mirror” copy of its U.S. site in Sweden to speed access to the site in Europe. (Goldsmith et. al. 44)

This realization and the software developed by Mr. Hourri were the downfall of the open and free Internet idea. No longer could a person log onto the Internet and feel like they were completely anonymous. Instead, software was created to track them. Yahoo agreed to the French judge’s decision and pulled all Nazi material from its auction sites. They did so because they would have lost revenues and had their Yahoo France accounts seized if they did not agree with the court system.

China seized onto this new technology and incorporated it into the way it allowed companies to compete for its internet-savvy citizens.

Soon after Yahoo’s legal defeat in France, the Chinese government insisted as a condition of access to Chinese markets, that Yahoo filter materials deemed harmful or threatening to the Communist Party’s rule. Yahoo agreed to China’s demands, and by 2005, the company that was recently the darling of the Internet free-speech movement had become an important agent of thought control for the Chinese government. Yahoo today provides Chinese citizens with a full suite of censored products. Its Chinese search engine do not return full results, but block sites deemed threatening to the public order by the Chinese authorities. (Goldsmith et al 45)

In China, with its one billion people, Internet use is expanding greatly. The Chinese government has contracts with corporations like Google and Yahoo to make sure that the people cannot access subversive sites like the *British Broadcasting Corporation* (BBC). The BBC reports on the human rights violations the Chinese governments enact against its people, and the government does not want its people to read about it.

The Chinese government has caused the cost of accessing the Internet to be astronomical compared to the average income of a Chinese citizen.

The income of the average Chinese Internet user is \$4,185 a year, roughly four times the salary of the average Chinese urban dweller. The average cost of Internet use is \$10-\$45 a month, with an additional \$.25-\$1.00 per

hour fee rate. Meanwhile, the cost of actually purchasing a computer is virtually exclusionary in China, thus lowering the spread of the technology to upper-class professionals, and further lowering the availability of the Internet to potential revolutionary demographics. (Peters, 108)

Corporate entities have also agreed to report to the Chinese government the names of people using their e-mail accounts for unauthorized purposes. If these companies do not follow these rules, they are barred from doing business in China. As the Chinese population becomes more tech-savvy these corporations cannot afford to not do business in China, therefore they bow to the will of the Chinese government.

Google censors its Google News feature to block out Web news sources that are banned by the Chinese government, like the Voice of America. But spokeswoman Debbie Frost said it's done mainly because China's Internet services are already programmed to block these sites. It used to be that the front page of the Google News Chinese edition would slow to a crawl while trying to display a headline from a banned site. Frost said that Google just gave up and dropped all such links from the Chinese News Page. (Bray)

China would love ICANN to levy control over to an international forum, where it can plead for more control of the information going in and out of the country. They do use their 94 million Internet users as leverage with the large Internet corporations to have them censor the information Chinese citizens can access, but it would be easier if the Chinese government did not have to rely on the corporations to conduct censorship.

Yahoo's popular chat rooms feature software filters designed to catch banned phrases like "multi-party elections" or Taiwanese independence." The company also uses a team of human censors who monitor chat room conversations and report the most flagrant offenders to the Chinese authorities. (Goldsmith et al 45)

China has experimented with its own root system based on Chinese characters rather than have their people connect with the rest of the world. The Chinese government has created the alternative root system for many reasons. The three reasons that alternative root systems are created are, "not enough new top-level domains, technological innovation, such as non-Roman character sets, or other features and

political resistance to the policies imposed on registries and domain name registrants by the Central authority." (Mueller, 54)

If ICANN did not exist in its current capacity, China could broaden its experimental root server, and could heavily control the larger root server without fear of technological reprisals by the United States. Authoritarian regimes live in fear that the United States will remove access to the Internet. They believe that after realizing ICANN is not responsible to any government entity except for the state of California. Without international accountability, the United States can pull the Internet off of the servers of any country whose policy does not coincide with U.S. policy.

This is of particular concern to Iran, which is the Middle East's most wired country. The government has not imposed any sanctions against their citizens accessing the Internet, instead they have encouraged it.

The degree of Iran's connectivity to the Internet is surprising. For a country that established its first Internet connection only in 1992, Iran had tens of thousands of users by 1999 and has exhibited the highest growth rates in the Middle East. As of 2000-2001 the country boasted between 450 and 1,200 cyber cafes. (Rabasco, 116)

The Iranian government has a lot to lose if the United States pulls the Internet from its people. Though they have no formal blocking system the way that China does, Iran does have government issued rules about content. Internet service providers must block pornographic sites, and any sites the government deems are immoral or a threat to national security. Citizens under 18 years of age are also not allowed to access Internet cafes.

The people of Iran are enjoying their use of the Internet without the usual oversight that the Iranian government puts on communication. It is a forum for students to voice their dissent and plant the seeds of democracy. Even the religious rulers have realized that the Internet is not going anywhere. Grand Ayatollah Hussein Ali Montazeri, a cleric who was asked to leave Iran in the 1980s uses the Internet to communicate with his followers.

In this case, the Internet empowered Montazeri to overcome his physical imprisonment and circumvent his state-imposed censorship. In using the

Internet, he was able to publish his controversial memoirs, which have shocked and embarrassed the hardliners. Newspapers reporting his memoirs have been closed, reporters jailed, and even one of his sons was imprisoned for distributing sections of the memoirs. However, his site is still online and his memoirs are still available. (Mahara, 134)

Brazil, which is experiencing its own information economy boom is in favor of removing control of the Internet from the United States, but wants control in a collective consortium run by the United Nations. Unlike China or Iran, which want control wrested away from the United States because it does not want limitations to its access to information imposed on it by a United States entity, Brazil has experienced a huge growth in its economy.

Brazil opted to adjust to the information age in a fashion similar to India. They had a stable government and a more liberal economy than many Latin American countries, so they allowed the United States and many Multi-national Corporations to invest in Brazil in order to expand the Brazilian information economy. "Currently U.S. private investments in Brazil total nearly \$24 billion followed closely by \$20.4 billion from Spain. The next three largest foreign investors are Holland (\$8.8 billion), France (\$7.8 billion), and Portugal (\$7 billion)." (McMichael, 146) Brazil has used those investments to invest in its people and has tried to bridge the digital divide between rich and poor.

Brazil has tried to bridge the gap in order to avoid losing its Internet-savvy citizenry to the global economy. It is unique though in the fact that it is a large landmass and has a huge concentration of its population in its urban centers. The distribution of wealth has made it easy for the Internet to penetrate and expand in Brazil.

A key element of Brazilian societal structure is wealth and income distribution, which is one of the most unequal in the world. The wealthiest 20 percent in Brazil owns 71 percent of national income, which gives the wealthy an income level equivalent to that of Austria or the Netherlands, around U.S. \$20, 100. The poorest 30 percent, however, earn only \$800, equivalent to the per capita earnings in underdeveloped countries like Senegal or Indonesia. (Wilson, 121)

The access to the Internet is also skewed in these patterns, causing “60 percent of Internet use is in Sao Paulo, 30 percent in Rio de Janeiro, and only 10 percent in the rest of the country.” (Wilson 122) This digital divide is trying to be mended by state programs and private institutions investing in poor areas.

Only 10.2 percent of the overall population in Brazil has access to the Internet, causing a desire for more investment to expand access. (Baert) In order to counteract this the Brazilian government has commissioned the production of cheap Linux based computers to aid the poor in accessing the Internet. They have used funds from the United Nations Development Program (UNDP) to finance such ventures. The computers cost \$300 a piece, but in a country where the poorest people survive on \$800 a year, that is still a costly machine. (McMichael, 147-148)

Brazil desires advancing its economy, but does not want it with the United States holding the digital leash. In Brazil where the elite controls the population, their access to information is already limited and the idea that the United States could control that access more by controlling ICANN is abhorrent to the Brazilian government.

“Internet governance should not be the prerogative of one group of countries or stockholders,” Maria Luiza Viotti, a Brazilian diplomat, told a recent forum at U.N. headquarters in New York. “Governments have a stake and the concerns of developing countries should be taken into account.” (qtd. in Inter Press Service)

Brazil’s Internet population desires to control its own direction without United States intervention. Brazil “accounts for 90 percent of Latin American e-commerce.” (McMichael, 146) The growing Brazilian Internet economy does not want to have to type in a website in English, or type in a website in Portuguese, but have “.com” on the end of the site, connecting it back to English.

Russia on the other hand, would love it if ICANN did not exist so there would be less control over the Internet. Pornography has become a big business in Russia, and the government fears that the access to the pornography produced by its country could be limited if the United States maintains control of the Internet. Several years ago, ICANN considered a “.xxx” root ending for all pornographic sites. ICANN has not implemented the label, after other countries pressured them that the label would hurt their economies. Russia has not come out and declared they want the Internet less restricted for access to pornography, but their Information Technologies and Communication Minister Leonid Reyman stated that Russia does not support, “the government to be excessive,” and added, “We are against direct state governance of the

Internet or any restrictions.” He said this because; “the Internet will lose its capacity to evolve, to adapt to needs in a quick and flexible way.” (qtd in ITAR-TASS)

India is a country with a desire for Internet independence similar to Brazil. India’s economy has been expanding through the tech boom. Cities like Bangalore have taken advantage of multi-national corporations’ desires for a cheap, English speaking labor force with high education and technical skills. India has almost a billion people, and the residual effects of colonialism have left them with an English speaking population.

India has transformed itself, from an agricultural nation to an IT powerhouse, but it has done so in a rather obscure fashion. Unlike Brazil where there is growth in Internet users and in technology jobs, India has had a relatively small population on the Internet yet is second, behind the United States in the information technology service industry.

India presents a paradox as far as IT (information technology) services and e-business are concerned. With an installed base of 5 million PCs, 2 million Internet subscribers (as compared with 22 million in China), and 5.5 million Internet users as of December 2001, and a population of over 1 billion, India ranks among the lowest in the world in terms of per capita PC and internet penetration. (Zaheer et al, 191)

India has an economy with a growing middle class like China, and in this middle class, the citizens are demanding greater access to the Internet. The government and private industries have responded to the push.

A survey conducted in January 2001 by the National Association of Software and Service Companies (Nasscom) on Internet usage trends in 68 cities/towns in India showed that Internet subscribers in India increased from a base of 1.7 million subscribers in November 1998 to 18 million by December 2000... The Nasscom survey revealed that more than 200 cities and towns in India have Internet connectivity... Their survey also suggested that India’s major cities accounted for 79 percent of Internet connections across the country. (Mahara, 140)

The Indian government played an active role in making sure Internet access is available to the growing populace. Until 1999, the central government controlled Internet access and international bandwidth.

The state-owned enterprise Videsh Sanchar Nigam Limited (VSNL) used to have a monopoly on Internet service provision in India until November 1998, and until the new IT policy was adopted in 2000, a monopoly on bandwidth to and from India as well. However, the government has been gradually diluting its state in VSNL by issuing Global Depository Receipts (GDRs), and as of March 2000, its stake was down to 53 percent. (Zaheer et al, 2004)

India relies heavily on the Internet to expand its Information Technology sector and aid in the expansion of its new Biotechnology industry. It is a country where technology has aided its expansion and it cannot afford to have that technology usurped. At the same time, India's government is tired of multinational corporations exploiting its technologically adept society, without providing much infrastructure to the country. The cities are wired, like in Brazil, but the countryside is technologically barren.

India wants the United States to give up control of ICANN, since the Memorandum of Understanding (MoU) that ICANN has with the United States is about to expire. It expires in September 2006, and if it expires without having a new system in place or a renewal of its MoU, the rest of the world could legitimately opt to fracture the Internet. India is worried because it does not have much influence over ICANN.

The issue of Internet governance has been under discussion for some months now. India is among the developing countries not at ease with the limited influence of governments in ICANN. Though there exists a governmental advisory committee (GAC), it is purely advisory in nature. India has taken the stance that functions of GAC would be subsumed by the new entity that takes over net governance. (Nagaraj)

Under a more democratic system than ICANN India believes its concerns will be heard more readily than they do under the current system. According to the vice-president of the Delhi Science Forum, ICANN goes against the basic philosophy of the Internet and that is why India is against its continuation.

Theoretically, the U.S. can block all mail addresses that have the .ir top-level domain name, since it thinks Iran is a rogue state. This theoretical possibility leads us to the important issue of U.S. dominance. Should we allow the U.S. and some private corporations to decide the future of Internet? Or should all national governments jointly address the problems the Net is facing today?...The other important thing is the use of open standards in building Internet technology, as opposed to proprietary standards. Internet is not the place for proprietary standards, but governments have to cooperate on the issue of open standards so that Internet can never be a place for private parties to make money. We need international cooperation for the Net to flourish. (Chakraborty)

What are the alternatives to ICANN, and will they be implemented after the September 2006 deadline causes ICANN to exist no longer?

In July 2005, the United Nations and the International Telecom Union held meetings in Geneva Switzerland that created the Working Group of Internet Governance (WGIG). The four major ideas that came out of the conference, which included the creation of a Global Internet Council (GIC) under the auspices of the UN, made up of members from various governments. It would take over the job of ICANN and its government advisory committee. It would also coordinate other Internet-related situations like spam, privacy, cyber-security and cyber-crime. The second model would set up several different structures: Global Internet Policy Council, World Internet Corporation for Assigned Names and Numbers and the Global Internet Governance Forum. These entities would control public policy, the development of the Internet and the technical issues surrounding the development of the Internet. "The other two models are: No changes apart from strengthening ICANN's advisory committee to become a forum for official debate on net issues. And, regulate ICANN to a narrow technical role and set up an International Internet council that sits outside the UN." (Anand) With either of the last two, the U.S. loses control of ICANN.

The world's desire for the United States to lose control of ICANN articulates the growing view of ICANN as a symbol of United States hegemony. The First World Summit on the Information Society in 2003 touched on this issue when they discussed the ideas of National sovereignty over information infrastructure.

ICANN and its predecessor organization have always sought to avoid the issue of what is a state, yet is inherently unable to skirt it. For instance, in 2003 Chinese authorities raised the

issue with U.S. and ICANN officials of why .tw existed since it seemed to legitimize the island as an independent nation, which China regards as a province. Though China stopped short of asking for its removal...the incident is indicative of the offline politics that can easily enter domain name policy discussions. Secondly, in March 2000, ICANN established .ps to represent the Palestinian Authority, another example of how politics is implicit in Internet addressing. (Cukier, 275)

The results of the first World Summit on the Information Society were mainly utilitarian structural issues that needed to be in place before the second World Summit on the Information Society. They had set up an open and inclusive process and heard from opinions from all over the world. They also had established an understanding that Internet governance meant more than just the Domain Name System. They also decided it was more beneficial to list the different issues and map out activities to address the activities rather than beginning with broad mandates and then narrowing down an abstract definition to a manageable program. Finally, the summit decided that it had “the need for the United Nations Secretary-General Working Group to conduct an iterative consultation process rather than limiting itself to being a close expert body.” (de la Chapelle, 364)

In November 2005, the second World Summit on the Information Society met in Tunisia. At this United Nations sponsored conference, representatives of the world got together to go over working papers that had been suggested before and create new ideas on how to handle ICANN. Originally, the summit was intended to find ways to expand information and communication technology into the developing world. Unfortunately, the developing world wanted to talk about ICANN. Countries like China, Iran, India, Brazil and Russia all called for the dismantling of ICANN and the implementation of an international oversight committee.

Critics charged that it lacked transparency, accountability, and legitimacy. Civil-society groups felt it was in the pocket of the domain name registration businesses it was designed to regulate. Businesses felt it was overly governmental. And foreign governments felt powerless before it. As many developing countries woke to the Internet's importance, it struck them as outrageous that the Internet was essentially run by a nonprofit corporation whose 15-person board of directors was accountable to

the attorney general of the state of California and under the authority of the U.S. government. Even the U.S. Congress criticized it, hauling the group into terse hearings regularly. Half a decade after it was founded with such optimism, the organization was mockingly referred to in tech-policy circles as “ICANN’T.” (Cukier)

The delegates at the conference were split down ideological economic lines over ICANN. The undeveloped world felt that ICANN was a tool of U.S. hegemony. The developed world had two stances; the United States, Canada and Great Britain were for the continued use of ICANN. It had taken so long for ICANN to come into existence and though it was not perfect, they thought it was better than any bureaucratic entity the international community could manufacture. The European Union felt sympathetic towards the underdeveloped countries. In September 2005, they stated that they rejected ICANN, and desired another format to supervise the Internet.

After much posturing on the part of the underdeveloped nations, including President Robert Mugabe of Zimbabwe, who made a speech before the forum in Tunisia,

We also challenge the issue of Internet governance where one or two countries insist on being world policemen on the management and administration of the Internet. We must allow for a more transparent and multilateral approach to Internet governance. Why should our diverse world be beholden to an American company? And without clear financing mechanisms to bridge the digital divide all of this work may be doomed...The west's resistance to the solidarity fund may spell doom for all things developed in this process. Suppose they are being rejected because they are not being managed by the Breton Woods institutions on the strengths of the west's industrial designs? (qtd. in Carvin)

Although there was much squabbling about the ICANN system, the United States stood firm about its position. The Bush administration wanted to extend the term of ICANN. The system was going to remain in the United States because it is in the best interest of the United States for it to remain there.

The underdeveloped world may want the United Nations to have control of the Internet, but the United Nations does not want it. Kofi Annan is quoted as saying, "Let me be absolutely clear: the United Nations does not want to take over, police or otherwise control the Internet...Day-to-day running of the

Internet must be left to technical institutions, not least to shield it from the heat of day-to-day politics."

(siliconvalley.com)

The European Union brokered an agreement during the conference, and ICANN will remain a part of the United States, but with some amendments. Those changes include a new forum where more nations will have a say in how the Internet works, and how they can get domain suffixes in different languages aside from English. The new group will also be able to address any other Internet related issue the forum will want to address, but they will have no authority.

The EU proposal aims at internationalizing the governance of the Internet, finding a formula under which governments share control over issues like spam, cyber crime and world wide access, without setting up new bureaucratic institutions.  
(Kuchler)

For now the Internet will remain in the control of the United States through ICANN. It is an interesting partnership between the US government and private corporations that is fraught with issues that have no immediate resolution. The international community will have to learn to deal with the fall-out of the United States desire to keep the hegemony in tact.

ICANN and the root servers it controls are a complex technical hierarchy which is difficult for politicians to grasp. Part of why it is good that ICANN remains where it is, is the fact that no new technicians need to understand the schematics of ICANN. As ICANN incorporates this new forum hopefully it will become a more transparent entity and the international community will come to accept it as the correct system to run the Internet.

If ICANN remains the way it is, as a semi-autonomous corporation under the auspices of the U.S. Department of Commerce the Internet will continue to grow, but the underdeveloped countries will feel like they are being watched and controlled by the United Nations. The dependency theorists would latch onto this claim, that the United States is using its control of ICANN as a way to exploit the underdeveloped countries. When approximately one percent of the population of Africa has access to the Internet, and that 1 percent is concentrated in North Africa and South Africa, it seems like the dependency theory is correct. The underdeveloped nations are dependent on the developed nations for Internet access, just as they are dependent upon them for other aid.

The liberal theory would desire ICANN to be less dependent on any government, even the United States. It would see this attachment to the United States Commerce department as a limitation on its free market abilities.

The realist theorists are the ones who would back the United States in the fight for control of ICANN. ICANN is a useful weapon in the United States' arsenal in the War on Terror. The fear of having control of their root suffix removed from the ICANN database could keep a country like Iran in line. It could also split the Internet.

As countries become more adept at understanding the technology from which the Internet is created, they have the option of creating their own Internet with mirror sites, which edit the information they do not want their citizenry to know, out of the sites. China could have an Internet with more government control, and Zimbabwe could have one with less control. The countries with predominant Muslim populations could create a theocratic Internet based on the teachings of Islam. At this point, these are just theories of what could happen in the future, but they could turn into fact.

If the Internet fractures, the United States will lose out on the control they have of ICANN. The Internet would lose out on voices of dissent from both the conservative and liberal sides of the world. It would splinter the world economy because more of the economy is being transacted through the Internet. Without the Internet, the world's banking system would be shattered and the multi-national corporations are not going to allow that to happen. Too much money can be made by keeping the Internet together, so the Internet is not likely to shatter.

In my opinion, the Internet will continue to grow, and more and more nations will insist on multinational corporations regulating the content their citizens can access. The case of Yahoo and France has changed the freedom of the Internet. It is no longer an anonymous vacuum where ideas can be spewed and there is no trace of who originally conceived them.

I believe that in the next ten years the international community will have to make choices as to how they want the Internet to grow, and how they want to regulate that growth. As long as there is an ability to make money off of the Internet, governments will want to control it. I think ICANN will remain a permanent structure in the United States, and that developing nations will keep calling for its removal from

United States control. The United States will not willingly give up a security asset, so the system will remain as it is, and unless multi-national corporations are able to keep it together the Internet will fracture.

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