

THE NET'S FALTERING DEMOCRACY

Critics charge that it is the De Beers of the Internet: an organization that, like the diamond cartel, has created an artificial scarcity to protect a few established players. Worse, they say, whatever claims this body once had to legitimacy were wiped away last year when its board voted to abolish elections.

This faceless power center is the Internet Corporation for Assigned Names and Numbers, or ICANN. And its actions may jeopardize the future of the Internet.

The Internet could evolve into a global commons where people all over the world are free to communicate and interact and to distribute and consume an endless variety of literature and media. Or it could become a tool for enforcing corporate control and governmental censorship. Which direction the Internet takes depends in large part on which policies and technologies ICANN supports.

Many people think the Internet can never be subject to centralized control. Wasn't this global distributed network built to withstand a thermonuclear attack? Doesn't it treat censorship as damage and route around it? So goes popular Net mythology. But in reality, the Internet is a human institution. And like a corporation, nation, or family, it can be led astray.

Global communication requires global standards, and it is here that the ICANN has its grip on the system's choke point. This company sets rules that govern the worldwide assignment of all-important domain names. Its rules are incorporated into contracts and passed on to anybody who gets a dot-com, dot-net, dot-org, or dot-info domain. The best-known of these rules is the Uniform Domain Name Dispute Resolution Policy. If you have a top-level domain name, you've agreed to this policy. ICANN's glacial pace for establishing new top-level domains has been a great help to domain registrars such as VeriSign: they profit from the lack of competition. Because there is a limited number of registrars and a limited number of top-level domains, the worldwide domain-name business is directed to the incumbents. The dispute resolution policy creates procedures that can be used to seize a domain name from one organization and hand it to another. This policy has been widely hailed as a boon for trademark holders worldwide.

ICANN's second mode of control is in its ultimate allotment of Internet Protocol addresses—the Internet's equivalent of phone numbers. Theoretically, control of domain names and Internet addresses could be exploited for purposes that range from stifling competition among Internet service providers to shutting down an entire country's access to the Net. Imagine if instead of having to take Napster to court, the recording industry had been able to bypass the courts and shut down Napster simply by nullifying its domain name and addresses.



None of this would be a big deal if we were talking about an international organization whose policymaking machinery was responsive to the needs of Internet users. But that's not the case: ICANN, a private corporation, is chartered by the state of California and answerable to no one. It is an outgrowth of the Clinton administration's attempts to privatize control of the Internet; ICANN's authority comes from a "memorandum of understanding" with the U.S. Department of Commerce. Handed a letter of agreement and a board of directors, the corporation was told to go forth and make policy.

The one attribute the U.S. government couldn't confer on this outfit was legitimacy. The Internet is supposed to be a global resource, so ICANN's original plan called for Internet users worldwide to elect nine at-large directors. Those directors, together with nine other directors appointed by important Internet interest groups, would ultimately craft the policy of the global information infrastructure.

ICANN was designed to have the efficiency of private enterprise, but it was somehow supposed to acquire the legiti-

The company formed to administer Internet domains and addresses was to have the efficiency of private enterprise and the legitimacy of an elected government. This proved to be impossible.

macy of an elected government. Alas, this proved to be an impossible task. The election was a flop. Voter registration took place in the summer of 2000. ICANN says 158,000 Internet users—far more than had been expected—tried to register. Only 75,000 of them completed the elaborate verification process, which entailed getting a personal identification number by e-mail and then typing it into a Web site. And in the end, only 34,000 people voted in October 2000. But those numbers actually overstate the level of user participation: in North America, according to Election.com, the company hired to run the election, a mere 3,449 votes were cast. Karl Auerbach, the candidate elected to represent the United States and Canada, received 1,725 of those votes. Although that's a majority, it's an exceedingly tiny fraction of the Internet's user population.

But ICANN need not worry about more sham elections. When the company's board of directors amended its bylaws last December, it eliminated elections and instituted an advisory committee-at-large whose members—chosen by other committees—lack real power. Maybe that's okay. "ICANN is not an experiment in global online democracy," says Stuart Lynn, ICANN's president and CEO. "So the board decided that, at least for now, elections were not to go on."

Perhaps ICANN serves as a model for systematically shutting the public out of messy policy debates and letting the appointed representatives of global business take over.

Perhaps democracy is overrated. ■